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Board of Appeals

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January 03, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for Dec. 20, 2006, Dec. 27, 2006, or Jan. 3, 2007. The next regular meeting is scheduled for **Wednesday, Jan. 10, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **December 15, 2006**

GOVERNMENT
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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 10, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2699 Mission Street. Permit issued on March 22, 2006. Last day to appeal was April 6, 2006. Jurisdiction request received on December 22, 2006. Letter from Carmen Ruiz & Maria Andrango, requestors, asking that the Board take jurisdiction over Sidewalk Display Merchandise Permit No. 05D-0637 issued by the Dept. of Public Works Bureau of Street-Use & Mapping (DPW BSM). Permit Holder: Kamel Karajab dba "That's It Market".

DOCUMENTS DEPT.

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(4) **APPEAL NO. 06-123**

MATTHEW SUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1767 – 34 th Avenue. Protesting the issuance on August 2, 2006, to Miguel Puente, Permit to Alter a Building (on single-family house: install rear deck at 36" above grade; abate NOV No. 200669303). APPLICATION NO. 2006/08/02/8388. PUBLIC HEARING HELD & CLOSED ON OCTOBER 11, 2006. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for permit holder to submit revised plans that conform to the Code.
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(5) **APPEAL NO. 06-151**

GORDON YEE & KORI INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	429-433 Haight Street. Appealing a Notice of Violation dated August 31, 2006, addressed to Gordon Yee & Kori Inc., regarding violations at the subject property of the Planning Commission's Dwelling Unit Merger Policy, and of Planning Code §§ 151, 790.108, 136(c)(30), 142, 134 (a)(1), & 135. PUBLIC HEARING HELD & CLOSED ON NOVEMBER 8, 2006. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow the appellant time to abate the subject violations, and time to conduct more research as to the parking issue.
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(6) **APPEAL NO. V06-163**

MARIE LEWANDOWSKI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2325 Ocean Avenue. Appealing the denial on October 6, 2006, of Rear Yard Variance (legalize construction of a lower level in-fill addition, deck, and awning, located within the required rear yard). VARIANCE CASE NO. 2006.0395V. PUBLIC HEARING HELD & CLOSED ON DECEMBER 6, 2006. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow DBI time to conduct a site visit pursuant to the Board's comments.
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(7) APPEAL NO. 06-178

DANA & MICKEY DANTINE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2116 Baker Street. Protesting the issuance on November 2, 2006, to Cameron Falconer, Permit to Alter a Building (on single-family house: rear yard addition; full width on ground/basement floor; approximately 15' wide on 1st and 2nd floors; new deck to fill the lot beside the addition at 1st floor; new casework and appliances in kitchen, and miscellaneous closet revisions in existing bedrooms). APPLICATION NO. 2006/04/28/0220. FOR HEARING TODAY.
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(8) APPEAL NO. 06-169

MUSA SALEH dba "BOB'S LIQUOR & GROCERY", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2999 Harrison Street. Appealing a 15-day suspension of a Tobacco Product Sales Establishment Permit, imposed on October 12, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-242. FOR HEARING TODAY.
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(9) APPEAL NO. 06-175

MARCO & MARY QUAZZO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2880 Green Street. Protesting the issuance on October 20, 2006, to John Sperling, Permit to Alter a Building (on single-family house: repair of an existing fountain; coat roof membrane of 442sf roof deck; repair minor dry rot as needed; replace existing tile with same; no alteration of structure; replace dry rotted joist in kind). APPLICATION NO. 2006/10/20/5619. FOR HEARING TODAY.
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(10) APPEAL NO. 06-176

1914 -1916 PINE STREET HOMEOWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1809 Octavia Street. Protesting the issuance on October 25, 2006, to Victor Juarez, Permit to Alter a Building (on single-family house: new rear deck at 1 st floor level). APPLICATION NO. 2005/10/31/6951. FOR HEARING TODAY.
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(11) APPEAL NO. V06-177

ROGER TELLIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	180 Corwin Street. Appealing the denial on November 1, 2006, of Parking Variance (proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building). VARIANCE CASE NO. 2006.0878V. FOR HEARING TODAY.
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(12) APPEAL NO. 06-179

JANE CRYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1585-1587 – 20 th Avenue. Protesting the issuance on November 7, 2006, to Catherine Lee, Permit to Alter a Building (on 2-unit building: demolish kitchen on ground floor to comply with NOV No. 200675847). APPLICATION NO. 2006/11/07/7034. FOR HEARING TODAY.
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(13) APPEAL NO. 06-180

VALENTINO FAZZARI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DASH-T INC.	766 Powell Street aka 897 California Street. Appealing a determination dated November 1, 2006, addressed to Valentino Fazzari, concerning the notification requirements for the proposed project (construct a 6-story building, 65 feet in height, with 9 residential dwelling units and 12 parking spaces) at the subject property. FOR HEARING TODAY.
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(14) APPEAL NO. 06-187

GREG GRIFFIN dba "BARBER LOUNGE", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	854 Folsom Street. Appealing a Health Permit Zoning Referral, dated November 28, 2006, addressed to Greg Griffin, which states that massage establishments are not allowed as a primary or accessory use in South of Market Zoning Districts, per Planning Code §§ 803.4 and 803.3(b)(1)(C)(ii). FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 4, 2007**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG

PRESIDENT

RANDALL KNOX

VICE PRESIDENT

KATHARINE ALBRIGHT

COMMISSIONER

MICHAEL GARCIA

COMMISSIONER

ROBERT HAALAND

COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sof@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruhl.
TEL: 415.576.0700 – FAX: 415.576.0722 - EMAIL: starrptg@pacbell.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 10, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Michael Garcia, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); John Kwong, Department of Public Works, (DPW); Johnson Ojo, Department of Public Health, (DPH, EHS); Victor Pacheco, Legal Assistant, for the Board and Easteller Bruihl, Official Court Reporter.

ABSENT: Robert Feldman, Executive Secretary.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

DOCUMENTS DEPT.

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(3) ADDENDUM ITEMS:

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(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to 4/18/07. Both parties agree and will not be present.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2699 Mission Street. Permit issued on March 22, 2006. Last day to appeal was April 6, 2006. Jurisdiction request received on December 22, 2006. Letter from Carmen Ruiz & Maria Andrango, requestors, asking that the Board take jurisdiction over Sidewalk Display Merchandise Permit No. 05D-0637 issued by the Dept. of Public Works Bureau of Street-Use & Mapping (DPW BSM). Permit Holder: Kamel Karajab dba "That's It Market".

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule the matter to 1/31/07.

SPEAKERS: John Kwong, Department of Public Work (DPW,BSM); Carmen Ruiz, requestor; Kamel Karajab, Permit Holder.

PUBLIC COMMENT: None.

(4) APPEAL NO. 06-123

MATTHEW SUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1767 – 34th Avenue. Protesting the issuance on August 2, 2006, to Miguel Puente, Permit to Alter a Building (on single-family house: install rear deck at 36" above grade; abate NOV No. 200669303). APPLICATION NO. 2006/08/02/8388. PUBLIC HEARING HELD & CLOSED ON OCTOBER 11, 2006. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for permit holder to submit revised plans that conform to the Code.
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ACTION: Upon motion by Vice President Knox, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Laurence Kornfield, Chief Building Inspector, Department of Building Inspection, (DBI); Mary Puente, Permit Holder; Miguel Puente, Permit Holder; Susan Tam, wife of Appellant.

PUBLIC COMMENT: None.

(5) APPEAL NO. 06-151

GORDON YEE & KORI INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	429-433 Haight Street. Appealing a Notice of Violation dated August 31, 2006, addressed to Gordon Yee & Kori Inc., regarding violations at the subject property of the Planning Commission's Dwelling Unit Merger Policy, and of Planning Code §§ 151, 790.108, 136(c)(30), 142, 134 (a)(1), & 135. PUBLIC HEARING HELD & CLOSED ON NOVEMBER 8, 2006. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow the appellant time to abate the subject violations, and time to conduct more research as to the parking issue.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 5 – 0 to uphold the Notice of Violation.

SPEAKERS: Tina Tam, Senior Planner, Planning Department (PD); David Silverman, Attorney for Appellant; **Public Comment:** Vallie Brown, for Zoning Administrator; Amy Porter, for Appellant; Richard Johnson, for Appellant; Albert Cromedy, for Appellant; Unicorn Escobedo, for Appellant; Regina Dick-Endrizzi, for Zoning Administrator.

(6) APPEAL NO. V06-163

MARIE LEWANDOWSKI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2325 Ocean Avenue. Appealing the denial on October 6, 2006, of Rear Yard Variance (legalize construction of a lower level in-fill addition, deck, and awning, located within the required rear yard). VARIANCE CASE NO. 2006.0395V. PUBLIC HEARING HELD & CLOSED ON DECEMBER 6, 2006. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow DBI time to conduct a site visit pursuant to the Board's comments.
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ACTION: Upon motion Vice President Knox, the Board voted 5 – 0 to uphold the denial of the subject variance.

MEETING MINUTES – WEDNESDAY, JANUARY 10, 2007 - PAGE 4

SPEAKERS: Tina Tam, Senior Planner, Planning Department (PD); Christopher Kerosky, Attorney for Appellant.

PUBLIC COMMENT: None.

(7) APPEAL NO. 06-178

DANA & MICKEY DANTINE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2116 Baker Street. Protesting the issuance on November 2, 2006, to Cameron Falconer, Permit to Alter a Building (on single-family house: rear yard addition; full width on ground/basement floor; approximately 15' wide on 1 st and 2 nd floors; new deck to fill the lot beside the addition at 1 st floor; new casework and appliances in kitchen, and miscellaneous closet revisions in existing bedrooms). APPLICATION NO. 2006/04/28/0220. FOR HEARING TODAY.
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ACTION: Withdrawn by the appellants.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 06-169

MUSA SALEH dba "BOB'S LIQUOR & GROCERY", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2999 Harrison Street. Appealing a 15-day suspension of a Tobacco Product Sales Establishment Permit, imposed on October 12, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-242. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the 15 day suspension.

SPEAKERS: Johnson Ojo, Department of Public Health; Eric Safire, Attorney for Appellant; Musa Saleh, Appellant.

PUBLIC COMMENT: None.

(9) APPEAL NO. 06-175

MARCO & MARY QUAZZO, Appellant(s) vs.	2880 Green Street. Protesting the issuance on October 20, 2006, to John Sperling, Permit to Alter a
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DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	Building (on single-family house: repair of an existing fountain; coat roof membrane of 442sf roof deck; repair minor dry rot as needed; replace existing tile with same; no alteration of structure; replace dry rotted joist in kind). APPLICATION NO. 2006/10/20/5619. FOR HEARING TODAY.
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ACTION: Withdrawn by the Appellants.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) APPEAL NO. 06-176

1914 -1916 PINE STREET HOMEOWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1809 Octavia Street. Protesting the issuance on October 25, 2006, to Victor Juarez, Permit to Alter a Building (on single-family house: new rear deck at 1 st floor level). APPLICATION NO. 2005/10/31/6951. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: William Heap, Agent for Appellant; Victor Juarez, Permit Holder; Abraham Zavala, agent for Permit Holder; Laurence Kornfield, Chief Building Inspector, Department of Building Inspection(DBI).

PUBLIC COMMENT: None.

(11) APPEAL NO. V06-177

ROGER TELLIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	180 Corwin Street. Appealing the denial on November 1, 2006, of Parking Variance (proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building). VARIANCE CASE NO. 2006.0878V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to continue the matter to 2/14/07, with Public Hearing closed and appellant needs to submit alternative proposal pursuant to the Board of Appeals' comments.

SPEAKERS: Tina Tam, Senior Planner, Planning Department (PD); Roger Tellis, Appellant; Gerald Wolf, for Zoning Administrator (ZA), Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI).

PUBLIC COMMENT: None.

(12) APPEAL NO. 06-179

JANE CRYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1585-1587 – 20 th Avenue. Protesting the issuance on November 7, 2006, to Catherine Lee, Permit to Alter a Building (on 2-unit building: demolish kitchen on ground floor to comply with NOV No. 200675847). APPLICATION NO. 2006/11/07/7034. FOR HEARING TODAY.
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ACTION: Withdrawn by the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(13) APPEAL NO. 06-180

VALENTINO FAZZARI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: DASH-T INC.	766 Powell Street aka 897 California Street. Appealing a determination dated November 1, 2006, addressed to Valentino Fazzari, concerning the notification requirements for the proposed project (construct a 6-story building, 65 feet in height, with 9 residential dwelling units and 12 parking spaces) at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Garcia, the Board voted 4 – 1 to uphold the subject property determination.

SPEAKERS: Tina Tam, Senior Planner, Planning Department(PD); Ki Yun Hwang, Attorney for Subject Property Owner; Joseph Alioto Veronese, Attorney for Appellant; Valentino Fazzari, Appellant.

PUBLIC COMMENT: None.

(14) APPEAL NO. 06-187

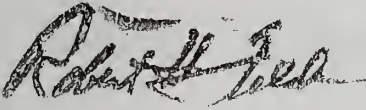
GREG GRIFFIN dba "BARBER LOUNGE", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	854 Folsom Street. Appealing a Health Permit Zoning Referral, dated November 28, 2006, addressed to Greg Griffin, which states that massage establishments are not allowed as a primary or accessory use in South of Market Zoning Districts, per Planning Code §§ 803.4 and 803.3(b)(1)(C)(ii). FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to continue the matter to 2/14/07, with the Public Hearing closed and Appellant to research alternative options pursuant to the Board of Appeals' comments.

SPEAKERS: Tina Tam, Senior Planner, Planning Department (PD); Greg Griffin, Appellant.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 9:05 pm.



Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruhl, the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 17, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) ANNUAL ELECTION OF OFFICERS:

DOCUMENTS DEPT.

JAN 19 2007

(3) COMMISSIONERS COMMENTS & QUESTIONS:

SAN FRANCISCO
PUBLIC LIBRARY

(4) ADDENDUM ITEMS: None.

(5) APPEAL NO. 06-184

DENNIS VUONG
dba "SAN BRUNO
SILVER SUPER SHELL", Appellant(s)
vs.
DEPT. OF PUBLIC HEALTH, Respondent

2380 San Bruno Avenue.
Appealing a 15-day suspension of a Tobacco
Product Sales Establishment Permit, imposed
on November 9, 2006. Reason(s) for
suspension: selling tobacco products to
minors.
DIRECTOR'S CASE NO. FD-06-265.
FOR HEARING TODAY.

(6) APPEAL NO. 06-132

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove One (1) Tree. ORDER NO. 176, 056. FOR HEARING TODAY.
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(7) APPEAL NO. 06-133

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway, and 1061 Broadway #1,2, and 3. Protesting the issuance on August 7, 2006, to Charles Mosser, Aaron Buchanan & Pat Milazzo, Joel Camarda, and Jose Gatchalian, Permit to Remove One (1) Tree. ORDER NO. 176, 057. FOR HEARING TODAY.
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(8) APPEAL NO. 06-134

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1041 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove Two (2) Trees. ORDER NO. 176, 055. FOR HEARING TODAY.
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(9) APPEAL NO. 06-160

TK SAGRILLO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2327 – 20 th Avenue. Protesting the issuance on September 18, 2006, to Helen Yung, Site Permit to Alter a Building (on single-family house: remove illegal kitchen and bath; legalize rooms at ground floor). APPLICATION NO. 2006/09/18/2618. FOR HEARING TODAY. Note: Matter rescheduled from Nov. 15, 2006 to allow appellant time to search for new apartment.
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ITEMS (10A), (10B), & (10C) SHALL BE HEARD TOGETHER:

(10A) APPEAL NO. 06-181

AARON GOODMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	110 Crespi Drive. Protesting the issuance on November 2, 2006, to Alliance Residential Co., Permit to Alter a Building (on single-family house: replace damaged packets and two damaged posts on guard rail; all materials to be replaced in kind and color). APPLICATION NO. 2006/11/02/6639. FOR HEARING TODAY.
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(10B) APPEAL NO. 06-182

AARON GOODMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	24 Diaz Avenue. Protesting the issuance on November 2, 2006, to Alliance Residential Co., Permit to Alter a Building (on two-unit building: minor dry rot repair; replace sections of joists and plywood sheathing; approx. 50 linear feet X 3 feet in kind; all materials to be replaced in kind and color). APPLICATION NO. 2006/11/02/6640. FOR HEARING TODAY.
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(10C) APPEAL NO. 06-183

AARON GOODMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	27 Serrano Drive. Protesting the issuance on November 2, 2006, to Alliance Residential Co., Permit to Alter a Building (on single-family house: replace underside of exterior canopy including joists and plywood sheathing; all materials to be replaced in kind and color). APPLICATION NO. 2006/11/02/6641. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 11, 2007**

MEMBERS OF THE BOARD OF APPEALS

FRANK FUNG

PRESIDENT

RANDALL KNOX

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KATHARINE ALBRIGHT

COMMISSIONER

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ROBERT HAALAND

COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.576.0700 – FAX: 415.576.0722 – EMAIL: starrptg@pacbell.net. THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

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In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

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ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.576.0700, fax: 415.576.0722, email: starrptg@pacbell.net.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 17, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Frank Fung, Vice President Randall Knox, Commissioner Michael Garcia, Commissioner Katharine Albright, and Commissioner Robert Haaland

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department, (PD); Carla Short, Department of Public Works Bureau of Urban Forestry (DPW,BUF); Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Victor Pacheco, Legal Assistant, for the Board; and Easteller Bruhl, Official Court Reporter.

ABSENT: Robert Feldman, Executive Secretary.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) ANNUAL ELECTION OF OFFICERS:

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to Elevate Vice President Randall Knox to President of the Board of Appeals.

ACTION: Upon motion by President Knox, the Board voted 5 – 0 to Elevate Commissioner Michael Garcia to Vice President of the Board of Appeals.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS: None.

(5) **APPEAL NO. 06-184**

DENNIS VUONG dba "SAN BRUNO SILVER SUPER SHELL", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2380 San Bruno Avenue. Appealing a 15-day suspension of a Tobacco Product Sales Establishment Permit, imposed on November 9, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-265. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to overrule the 15 – day suspension with a finding that the evidence presented by Department of Public Health is insufficient.

SPEAKERS: Johnson Ojo, Principal Inspector, Department of Public Health; Dennis Vuong, Appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 06-132**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove One (1) Tree. ORDER NO. 176, 056. FOR HEARING TODAY.
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ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule all matters to January 31, 2007. Both parties requested and agreed and will not be present.

SPEAKERS: None.

PUBLIC COMMENT: None

(7) **APPEAL NO. 06-133**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway, and 1061 Broadway #1,2, and 3. Protesting the issuance on August 7, 2006, to Charles Mosser, Aaron Buchanan & Pat Milazzo, Joel Camarda, and Jose Gatchalian, Permit to Remove One (1)
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	Tree. ORDER NO. 176, 057. FOR HEARING TODAY.
--	--

ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule all matters to January 31, 2007. Both parties requested and agreed and will not be present.

SPEAKERS: None.

PUBLIC COMMENT: None

(8) APPEAL NO. 06-134

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1041 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove Two (2) Trees. ORDER NO. 176, 055. FOR HEARING TODAY.
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ACTION: Upon motion by President Fung, the Board voted 5 – 0 to reschedule all matters to January 31, 2007. Both parties requested and agreed and will not be present.

SPEAKERS: None.

PUBLIC COMMENT: None

(9) APPEAL NO. 06-160

TK SAGRILLO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2327 – 20 th Avenue. Protesting the issuance on September 18, 2006, to Helen Yung, Site Permit to Alter a Building (on single-family house: remove illegal kitchen and bath; legalize rooms at ground floor). APPLICATION NO. 2006/09/18/2618. FOR HEARING TODAY. Note: Matter rescheduled from Nov. 15, 2006 to allow appellant time to search for new apartment.
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ACTION: Upon motion by Commissioner Albright, the Board voted 3 – 2 to deny the reschedule request by appellant.

ACTION: Upon motion by Commissioner Haaland, the Board voted 2 -3 to continue the matter for a Department of Building Inspection and Planning Department site visit. Site visit failed.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4 -1 to uphold the permit. (Commissioner Haaland dissented).

SPEAKERS: Michael Bracamontes, Attorney for appellant; Jerod Hendrickson, attorney for permit holder; Laurence Kornfield, Chief Building Inspector (DBI); Tina Tam, Senior Planner (PD).

PUBLIC COMMENT: None.

ITEMS (10A), (10B), & (10C) SHALL BE HEARD TOGETHER:

(10A) APPEAL NO. 06-181

AARON GOODMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	110 Crespi Drive. Protesting the issuance on November 2, 2006, to Alliance Residential Co., Permit to Alter a Building (on single-family house: replace damaged packets and two damaged posts on guard rail; all materials to be replaced in kind and color). APPLICATION NO. 2006/11/02/6639. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Robert Haaland, the Board voted 5 – 0 to uphold the permits on condition that the permit holder has agreed not to submit a capital improvements pass-through petition to the Rent Board for work under the subject permits.

SPEAKERS: Aaron Goodman, Appellant; Jim Abrams, Attorney for permit holder; Julian Lagos, for appellant; Laurence Kornfield, (DBI); Mary Murphy, Attorney for permit holder.

PUBLIC COMMENT: None.

(10B) APPEAL NO. 06-182

AARON GOODMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	24 Diaz Avenue. Protesting the issuance on November 2, 2006, to Alliance Residential Co., Permit to Alter a Building (on two-unit building: minor dry rot repair; replace sections of joists and plywood sheathing; approx. 50 linear feet X 3 feet in kind; all materials to be replaced in kind and color). APPLICATION NO. 2006/11/02/6640. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Robert Haaland, the Board voted 5 – 0 to uphold the permits on condition that the permit holder has agreed not to submit a capital improvements pass-through petition to the Rent Board for work under the subject permits.

MEETING MINUTES - WEDNESDAY, JANUARY 17, 2007 - PAGE 5

SPEAKERS: Aaron Goodman, Appellant; Jim Abrams, Attorney for permit holder; Julian Lagos, for appellant; Laurence Kornfield, (DBI); Mary Murphy, Attorney for permit holder.

PUBLIC COMMENT: None.

(10C) **APPEAL NO. 06-183**

AARON GOODMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	27 Serrano Drive. Protesting the issuance on November 2, 2006, to Alliance Residential Co., Permit to Alter a Building (on single-family house: replace underside of exterior canopy including joists and plywood sheathing; all materials to be replaced in kind and color). APPLICATION NO. 2006/11/02/6641. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Robert Haaland, the Board voted 5 – 0 to uphold the permits on condition that the permit holder has agreed not to submit a capital improvements pass-through petition to the Rent Board for work under the subject permits.

SPEAKERS: Aaron Goodman, Appellant; Jim Abrams, Attorney for permit holder; Julian Lagos, for appellant; Laurence Kornfield, (DBI); Mary Murphy, Attorney for permit holder.

PUBLIC COMMENT: None.

There being no further business, President Fung adjourned the meeting at 7:35 p.m.



Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Easteller Bruhl, the Official Court Reporter. Tel: (415) 348-0050

Board of Appeals

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January 24, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for Jan. 24, 2007. The next regular meeting is scheduled for **Wednesday, Jan. 31, 2007, City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **January 19, 2007**

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Board of Appeals

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January 31, 2007

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BOARD OF APPEALS

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AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 31, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) SPECIAL ITEM:

Informational briefing and discussion of pending legislation to amend the Planning Code, that would continue the requirement for Conditional Use authorization where presently required, to remove dwelling units, and require Conditional Use authorization elsewhere to remove four or more units, and mandate Discretionary Review in every other case. The ordinance, introduced by Supervisor Maxwell, is proposed for recommendation of approval, with significant modifications, at the Planning Commission hearing of February 8, 2007.

(4) ADDENDUM ITEMS:**(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 2699 Mission Street. Letter from Carmen Ruiz & Maria Andrango, requestors, asking that the Board take jurisdiction over Sidewalk Display Merchandise Permit No. 06D-0398 issued by the Dept. of Public Works Bureau of Street-Use & Mapping (DPW BSM). Permit Holder: Kamel Karajab dba "That's It Market".

(5) APPEAL NO. 06-189

VLADAMIR GAMMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1801-1813 Fulton Street. Protesting the issuance on November 17, 2006, to T-Mobile Omnipoint, Permit to Alter a Building (on multi-unit apartment building: installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries). APPLICATION NO. 2006/03/21/7213. FOR HEARING TODAY.
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ITEMS (6A), (6B) & (6C) SHALL BE HEARD TOGETHER:**(6A) APPEAL NO. 06-132**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove One (1) Tree. ORDER NO. 176, 056. FOR HEARING TODAY.
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(6B) APPEAL NO. 06-133

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY,	1045-1059 Broadway, and 1061 Broadway #1,2, and 3. Protesting the issuance on August 7, 2006, to Charles Mosser, Aaron Buchanan & Pat Milazzo, Joel Camarda,
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Respondent	and Jose Gatchalian, Permit to Remove One (1) Tree. ORDER NO. 176, 057. FOR HEARING TODAY.
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(6C) APPEAL NO. 06-134

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1041 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove Two (2) Trees. ORDER NO. 176, 055. FOR HEARING TODAY.
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ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:**(7A) APPEAL NO. 06-014**

MALANA MOBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on January 5, 2006, to North Point Holdings LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/24/3844. FOR HEARING TODAY. Note: On March 15, 2006, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal at the BOS.
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(7B) APPEAL NO. 06-194

BRUCE RADO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on November 30, 2006, to North Point Holdings LLC, Site Permit to Erect a Building (3-story, 3-unit building with 2,450sf of ground floor area). APPLICATION NO. 2005/01/24/3842S. FOR HEARING TODAY.
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(8) APPEAL NO. V06-185

MICHAEL MAZZAFERRO & EDGAR BEALS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4052 – 21 st Street. Protesting the granting on November 16, 2006, to Gregory Whitfield, Rear Yard Variance (construct a 2 nd floor deck with a descending staircase within the required rear yard). VARIANCE CASE NO. 2006.0740V. FOR HEARING TODAY.
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(9) APPEAL NO. 06-186

ELAINE WHITNEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	372-374 Capp Street. Protesting the issuance on November 13, 2006, to Phyllis Chen & Darren Machule, Site Permit to Alter a Building (on 2-unit building: rear stair replacement with decks). APPLICATION NO. 2005/11/16/8251S. FOR HEARING TODAY.
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ADJOURNMENT.

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Date posted: **January 25, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX

PRESIDENT

MICHAEL GARCIA
KATHARINE ALBRIGHT
FRANK FUNG
ROBERT HAALAND

VICE PRESIDENT
COMMISSIONER
COMMISSIONER
COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the

internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruhl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 31, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Thomas Owen, Deputy City Attorney, Office of the City Attorney, (OCA); Ron Tom, Chief Building Inspector, Department of Building Inspection, (DBI); Tina Tam, Senior Planner, Planning Department, (PD); John Kwong, Department of Public Works, Bureau of Street Use and Mapping; Victor Pacheco, Legal Assistant, for the Board; and Leland Batana, Official Court Reporter.

ABSENT: Robert Feldman, Executive Secretary.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

DOCUMENTS DEPT.

SPEAKERS: None.

OCT 25 2007

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(3) SPECIAL ITEM:

Informational briefing and discussion of pending legislation to amend the Planning Code, that would continue the requirement for Conditional Use authorization where presently required, to remove dwelling units, and require Conditional Use authorization elsewhere to remove four or more units, and mandate Discretionary Review in every other case. The ordinance, introduced by Supervisor Maxwell, is proposed for recommendation of approval, with significant modifications, at the Planning Commission hearing of February 8, 2007.

SPEAKERS: Craig Nikitas, Planning Department, (PD) and Pat Buscovich.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2699 Mission Street. Letter from Carmen Ruiz & Maria Andrango, requestors, asking that the Board take jurisdiction over Sidewalk Display Merchandise Permit No. 06D-0398 issued by the Dept. of Public Works Bureau of Street-Use & Mapping (DPW BSM). Permit Holder: Kamel Karajab dba "That's It Market".

ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 2 to deny the Jurisdiction request.

SPEAKER: Carmen Lemisa Ruiz, co-requestor; Kamel Karajab, permit holder; John Kwong, Department of Public Works and Bureau Street and Mapping, (MSM); Maria Beltran, for appellant; Teresa Garcia, for permit holder; Oscar Grande, for permit holder.

PUBLIC COMMENT: None.

(5) APPEAL NO. 06-189

VLADAMIR GAMMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1801-1813 Fulton Street. Protesting the issuance on November 17, 2006, to T-Mobile Omnipoint, Permit to Alter a Building (on multi-unit apartment building: installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries). APPLICATION NO. 2006/03/21/7213. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Haaland, the Board voted 2 – 3 to continue the matter to a date after 02/08/07. The motion failed.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 1 to uphold the permit. (Commissioner Haaland dissented).

SPEAKERS: Doug Lorenga, agent for appellant; Paul Albritton, attorney for permit holder;

PUBLIC COMMENT: Aron Zagets for appellant; Vladamir Gammer, for appellant (via translator Inna Ostrovsky Russian); David Tornheim, for appellant; Frieda Humboldt, for appellant; Fay Adelstein, for appellant.

ITEMS (6A), (6B) & (6C) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 06-132

MEETING MINUTES, WEDNESDAY, JANUARY 31, 2007 - PAGE 3

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove One (1) Tree. ORDER NO. 176, 056. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reschedule the matter to 3/07/07. None of the parties were present and Commissioner Haaland said that the matter has been settled.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6B) APPEAL NO. 06-133

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway, and 1061 Broadway #1,2, and 3. Protesting the issuance on August 7, 2006, to Charles Mosser, Aaron Buchanan & Pat Milazzo, Joel Camarda, and Jose Gatchalian, Permit to Remove One (1) Tree. ORDER NO. 176, 057. FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reschedule the matter to 3/07/07. None of the parties were present and Commissioner Haaland said that the matter has been settled.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6C) APPEAL NO. 06-134

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1041 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove Two (2) Trees. ORDER NO. 176, 055. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reschedule the matter to 3/07/07. None of the parties were present and Commissioner Haaland said that the matter has been settled.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 06-014

MALANA MOBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on January 5, 2006, to North Point Holdings LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/24/3844. FOR HEARING TODAY. Note: On March 15, 2006, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal at the BOS.
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ACTION: Upon motion by President Knox, the Board voted 5 - 0 to reschedule the matter to call of the chair pending resolution of the CEQA appeal to the Board of Supervisors.

SPEAKERS: Malana Moberg, Appellant; David Cincotta, Attorney for Permit Holder.

PUBLIC COMMENT: None.

(7B) APPEAL NO. 06-194

BRUCE RADO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on November 30, 2006, to North Point Holdings LLC, Site Permit to Erect a Building (3-story, 3-unit building with 2,450sf of ground floor area). APPLICATION NO. 2005/01/24/3842S. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 -0 to reschedule the matter to call of the chair pending resolution of the CEQA appeal to the Board of Supervisors.

SPEAKERS: Malana Moberg, Appellant; David Cincotta, Attorney for permit holder.

PUBLIC COMMENT: None.

(8) **APPEAL NO. V06-185**

MICHAEL MAZZAFERRO & EDGAR BEALS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4052 – 21 st Street. Protesting the granting on November 16, 2006, to Gregory Whitfield, Rear Yard Variance (construct a 2 nd floor deck with a descending staircase within the required rear yard). VARIANCE CASE NO. 2006.0740V. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to continue the matter to 3/07/07, to allow variance holder to submit revised plans pursuant to the Board's comments.

SPEAKERS: Michael Mazzaferro, co- appellant; Gregory Whitfield, variance holder; Tina Tam, PD; Khyber Courchesne, agent for variance holder.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 06-186**

ELAINE WHITNEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	372-374 Capp Street. Protesting the issuance on November 13, 2006, to Phyllis Chen & Darren Machule, Site Permit to Alter a Building (on 2-unit building: rear stair replacement with decks). APPLICATION NO. 2005/11/16/8251S. FOR HEARING TODAY.
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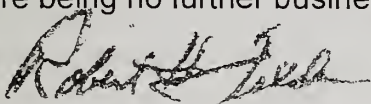
ACTION: Upon motion by President Knox, the Board voted 5 -0 to waive the Board of Appeals requirement for a court reporter for item No. 9.

ACTION: Upon motion by Commissioner Albright, the Board voted 3 – 2 to uphold the permit on conditions that the 2nd story deck be set-back 3 feet from the property line. Motion failed. Permit upheld with no conditions.

SPEAKERS: Jeremy Paul, agent for appellant; Elaine Whitney, appellant; Damen Machule, co – permit holder; Tina Tam, PD; Ron Tom, DBI.

PUBLIC COMMENT: None.

There being no further business, President Knox Adjourned the meeting at 9:40 p.m.



Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 31, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Thomas Owen, Deputy City Attorney, Office of the City Attorney, (OCA); Ron Tom, Chief Building Inspector, Department of Building Inspection, (DBI); Tina Tam, Senior Planner, Planning Department, (PD); John Kwong, Department of Public Works, Bureau of Street Use and Mapping; Victor Pacheco, Legal Assistant, for the Board; and Leland Batana, Official Court Reporter.

ABSENT: Robert Feldman, Executive Secretary.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

DOCUMENTS DEPT.

OCT 25 2007

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(3) SPECIAL ITEM:

Informational briefing and discussion of pending legislation to amend the Planning Code, that would continue the requirement for Conditional Use authorization where presently required, to remove dwelling units, and require Conditional Use authorization elsewhere to remove four or more units, and mandate Discretionary Review in every other case. The ordinance, introduced by Supervisor Maxwell, is proposed for recommendation of approval, with significant modifications, at the Planning Commission hearing of February 8, 2007.

SPEAKERS: Craig Nikitas, Planning Department, (PD) and Pat Buscovich.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2699 Mission Street. Letter from Carmen Ruiz & Maria Andrango, requestors, asking that the Board take jurisdiction over Sidewalk Display Merchandise Permit No. 06D-0398 issued by the Dept. of Public Works Bureau of Street-Use & Mapping (DPW BSM). Permit Holder: Kamel Karajab dba "That's It Market".

ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 2 to deny the Jurisdiction request.

SPEAKER: Carmen Lemisa Ruiz, co-requestor; Kamel Karajab, permit holder; John Kwong, Department of Public Works and Bureau Street and Mapping, (MSM); Maria Beltran, for appellant; Teresa Garcia, for permit holder; Oscar Grande, for permit holder.

PUBLIC COMMENT: None.

(5) APPEAL NO. 06-189

VLADAMIR GAMMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1801-1813 Fulton Street. Protesting the issuance on November 17, 2006, to T-Mobile Omnipoint, Permit to Alter a Building (on multi-unit apartment building: installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries). APPLICATION NO. 2006/03/21/7213. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 2 – 3 to continue the matter to a date after 02/08/07. The motion failed.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 1 to uphold the permit. (Commissioner Haaland dissented).

SPEAKERS: Doug Lorenga, agent for appellant; Paul Albritton, attorney for permit holder;

PUBLIC COMMENT: Aron Zagets for appellant; Vladamir Gammer, for appellant (via translator Inna Ostrovsky Russian); David Tornheim, for appellant; Frieda Humboldt, for appellant; Fay Adelstein, for appellant.

ITEMS (6A), (6B) & (6C) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 06-132

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove One (1) Tree. ORDER NO. 176, 056. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reschedule the matter to 3/07/07. None of the parties were present and Commissioner Haaland said that the matter has been settled.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6B) APPEAL NO. 06-133

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway, and 1061 Broadway #1,2, and 3. Protesting the issuance on August 7, 2006, to Charles Mosser, Aaron Buchanan & Pat Milazzo, Joel Camarda, and Jose Gatchalian, Permit to Remove One (1) Tree. ORDER NO. 176, 057. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reschedule the matter to 3/07/07. None of the parties were present and Commissioner Haaland said that the matter has been settled.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6C) APPEAL NO. 06-134

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1041 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove Two (2) Trees. ORDER NO. 176, 055. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reschedule the matter to 3/07/07. None of the parties were present and Commissioner Haaland said that the matter has been settled.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 06-014

MALANA MOBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on January 5, 2006, to North Point Holdings LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/24/3844. FOR HEARING TODAY. Note: On March 15, 2006, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal at the BOS.
---	--

ACTION: Upon motion by President Knox, the Board voted 5 - 0 to reschedule the matter to call of the chair pending resolution of the CEQA appeal to the Board of Supervisors.

SPEAKERS: Malana Moberg, Appellant; David Cincotta, Attorney for Permit Holder.

PUBLIC COMMENT: None.

(7B) APPEAL NO. 06-194

BRUCE RADO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on November 30, 2006, to North Point Holdings LLC, Site Permit to Erect a Building (3-story, 3-unit building with 2,450sf of ground floor area). APPLICATION NO. 2005/01/24/3842S. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 -0 to reschedule the matter to call of the chair pending resolution of the CEQA appeal to the Board of Supervisors.

SPEAKERS: Malana Moberg, Appellant; David Cincotta, Attorney for permit holder.

PUBLIC COMMENT: None.

(8) APPEAL NO. V06-185

MICHAEL MAZZAFERRO & EDGAR BEALS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4052 – 21 st Street. Protesting the granting on November 16, 2006, to Gregory Whitfield, Rear Yard Variance (construct a 2 nd floor deck with a descending staircase within the required rear yard). VARIANCE CASE NO. 2006.0740V. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to continue the matter to 3/07/07, to allow variance holder to submit revised plans pursuant to the Board's comments.

SPEAKERS: Michael Mazzaferro, co- appellant; Gregory Whitfield, variance holder; Tina Tam, PD; Khyber Courchesne, agent for variance holder.

PUBLIC COMMENT: None.

(9) APPEAL NO. 06-186

ELAINE WHITNEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	372-374 Capp Street. Protesting the issuance on November 13, 2006, to Phyllis Chen & Darren Machule, Site Permit to Alter a Building (on 2-unit building: rear stair replacement with decks). APPLICATION NO. 2005/11/16/8251S. FOR HEARING TODAY.
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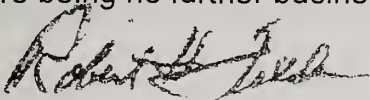
ACTION: Upon motion by President Knox, the Board voted 5 -0 to waive the Board of Appeals requirement for a court reporter for item No. 9.

ACTION: Upon motion by Commissioner Albright, the Board voted 3 – 2 to uphold the permit on conditions that the 2nd story deck be set-back 3 feet from the property line. Motion failed. Permit upheld with no conditions.

SPEAKERS: Jeremy Paul, agent for appellant; Elaine Whitney, appellant; Damen Machule, co – permit holder; Tina Tam, PD; Ron Tom, DBI.

PUBLIC COMMENT: None.

There being no further business, President Knox Adjourned the meeting at 9:40 p.m.



Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 7, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

DOCUMENTS DEPT.

FEB - 8 2007

(3) ADDENDUM ITEMS:

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(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1945 Pacific Avenue. Permit issued on October 10, 2006. Last day to appeal was October 25, 2006. Jurisdiction request received on January 18, 2007. Letter from Richard Hurlburt, attorney for Bruce Hoban, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/10/10/4510. Permit Holder: Daniel Fong. Project: on 12-unit apartment building; remodel three full bathrooms and half bathroom and kitchen in penthouse unit; remodel existing kitchen and bathroom on 1st floor (Unit 2C) per plan.

02-03-07X10:59 AM

(4) APPEAL NO. 06-191

JOHN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	630-632 Funston Avenue. Protesting the issuance on December 1, 2006, to P. Sciaroni, Permit to Alter Building (renew BPA No. 2005/11/17/8374 – for corrective action per complaint No. 200563838; remove illegal one story addition to rear of front building; rebuild infill at 1 st /grade level to side of rear building). APPLICATION NO. 2006/12/01/8933. FOR HEARING TODAY.
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(5) APPEAL NO. 06-192

FRANCIS D. RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1018 Clayton Street. Protesting the issuance on December 1, 2006, to Gunther Dertz, Permit to Alter Building (renew BPA No. 9416202 [re-roofing] and BPA No. 2003/09/22/5414 [construct 7'-0" X 36" high one-hour fire rated parapet on roof at south side] for final inspection). APPLICATION NO. 2006/12/01/8898. FOR HEARING TODAY.
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(6) APPEAL NO. V06-193

THEODORE GOLDIN & KARA KEENAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2440 Scott Street. Protesting the granting on December 1, 2006, to Kevin Connors Trust, Rear Yard Variance (construct a new three-story spiral staircase at the rear of the existing three-story building). VARIANCE CASE NO. 2006.0216V. FOR HEARING TODAY.
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(7) APPEAL NO. 06-195

LISA BETTLES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1562 Church Street. Protesting the issuance on November 28, 2006, to Alex Volkov, Permit to Alter Building (on two-unit building: internal remodeling; convert ground floor playroom with ½ bath into smaller playroom with full bath and storage room, and connecting with 2 nd story unit with new stairs; at 2 nd floor, remodel kitchen with new cabinets, appliances, and fixtures, and remodel bathroom in order to have tub and shower). APPLICATION NO. 2006/11/28/8606. FOR HEARING TODAY.
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(8) APPEAL NO. 06-196

KEVIN HICKS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	5216 – 3 rd Street. Appealing the denial on December 6, 2006, of Permit to Erect a Sign (ground, non-electric, double-faced, 14' X 48' in size, with 1,344sf of total surface area). APPLICATION NO. 2001/09/14/8404. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 1, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX

PRESIDENT

MICHAEL GARCIA

VICE PRESIDENT

KATHARINE ALBRIGHT

COMMISSIONER

FRANK FUNG

COMMISSIONER

ROBERT HAALAND

COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

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SUGGESTIONS TO IMPROVE EFFICIENCY

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Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 7, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Office Deputy Attorney; Office of the City Attorney (OCA); Ron Tom, Chief Building Inspector, Department of Building Inspection, (DBI); Tina Tam, Senior Planner, Planning Department, (PD); Victor Pacheco, Legal Assistant for the Board; and Easteller Bruihl, Official Court Reporter.

ABSENT: Robert Feldman, Executive Secretary.

(1) PUBLIC COMMENT:

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SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1945 Pacific Avenue. Permit issued on October 10, 2006. Last day to appeal was October 25, 2006. Jurisdiction request received on January 18, 2007. Letter from Richard Hurlburt, attorney for Bruce Hoban, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/10/10/4510. Permit Holder: Daniel Fong. Project: on 12-unit apartment building; remodel three full bathrooms and half bathroom and kitchen in penthouse unit; remodel existing kitchen and bathroom on 1st floor (Unit 2C) per plan.

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MEETING MINUTES - WEDNESDAY, FEBRUARY 7, 2007 - PAGE 2

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to 3/7/07, and both parties will not be present.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 06-191

JOHN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	630-632 Funston Avenue. Protesting the issuance on December 1, 2006, to P. Sciaroni, Permit to Alter Building (renew BPA No. 2005/11/17/8374 – for corrective action per complaint No. 200563838; remove illegal one story addition to rear of front building; rebuild infill at 1 st /grade level to side of rear building). APPLICATION NO. 2006/12/01/8933. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to continue the matter to 4/4/07, for mediation to take place, and with the Public Hearing closed.

SPEAKERS: John Woo, Appellant; Steve Swason, Agent for Permit Holder; Brenda Cruz. Keith, Attorney for Permit Holder; Ron Tom, DBI;

PUBLIC COMMENT: None.

(5) APPEAL NO. 06-192

FRANCIS D. RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1018 Clayton Street. Protesting the issuance on December 1, 2006, to Gunther Dertz, Permit to Alter Building (renew BPA No. 9416202 [re-roofing] and BPA No. 2003/09/22/5414 [construct 7'-0" X 36" high one-hour fire rated parapet on roof at south side] for final inspection). APPLICATION NO. 2006/12/01/8898. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to 3/14/07, and with parties to attempt mediation at Community Boards. The Board of Appeals will get information of community Boards for Appellant and Permit Holder.

SPEAKERS: Gunther Dertz, Permit Holder; Francis Ryan, Appellant.

PUBLIC COMMENT: None.

APPEAL NO. V06-193

EODORE GOLDIN KARA KEENAN, Appellant(s) vs. NING ADMINISTRATOR, Respondent	2440 Scott Street. Protesting the granting on December 1, 2006, to Kevin Connors Trust, Rear Yard Variance (construct a new three-story spiral staircase at the rear of the existing three-story building). VARIANCE CASE NO. 2006.0216V. FOR HEARING TODAY.
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TION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to revoke the subject
ance, with findings to be adopted on 3/07/07.

EAKERS: I lene Dick, Attorney for Appellants; Ron Tom, Chief Building Inspector, (DBI); Tina
n, Senior Planner, (PD); James Stavoy, Agent for Variance Holder; Jeff Palmer, for Appellants;
o Goddin, Appellant.

BLIC COMMENT: None.

APPEAL NO. 06-195

SA BETTLES, Appellant(s) vs. EPT. OF BUILDING INSPECTION, Respondent ANNING DEPT. APPROVAL	1562 Church Street. Protesting the issuance on November 28, 2006, to Alex Volkov, Permit to Alter Building (on two-unit building: internal remodeling; convert ground floor playroom with ½ bath into smaller playroom with full bath and storage room, and connecting with 2 nd story unit with new stairs; at 2 nd floor, remodel kitchen with new cabinets, appliances, and fixtures, and remodel bathroom in order to have tub and shower). APPLICATION NO. 2006/11/28/8606. FOR HEARING TODAY.
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TION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to uphold the permit on
ditions that all work should be completed within 90 days of the start date of the Appellant's
porary eviction.

EAKERS: Jim Faye, Agent for Appellant; Lisa Bettles, Appellant; Alex Volkov, Permit Holder;
x Rabinovich, Co – Permit Holder.

BLIC COMMENT: None.

(8) APPEAL NO. 06-196

KEVIN HICKS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	5216 – 3 rd Street. Appealing the denial on December 6, 2006, of Permit to Erect a Sign (ground, non-electric, double-faced, 14' X 48' in size, with 1,344sf of total surface area). APPLICATION NO. 2001/09/14/8404. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to uphold the denial.

SPEAKERS: Gerald Murphy, Attorney for Appellant; Tina Tam, Senior Planner, PD.

PUBLIC COMMENT: None.

There being no further business, President Knox adjourned the meeting at 8:20 p.m.



Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruhl, Official Court reporter

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 14, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

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(3) ADDENDUM ITEMS: None.

02-15-07 11:35 AM

(4) APPEAL NO. V06-177

ROGER TELLIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	180 Corwin Street. Appealing the denial on November 1, 2006, of Parking Variance (proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building). VARIANCE CASE NO. 2006.0878V. PUBLIC HEARING HELD & CLOSED ON JANUARY 10, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellant time to research alternative options pursuant to the Board's comments.
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(5) APPEAL NO. 06-187

GREG GRIFFIN dba "BARBER LOUNGE", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	854 Folsom Street. Appealing a Health Permit Zoning Referral, dated November 28, 2006, addressed to Greg Griffin, which states that massage establishments are not allowed as a primary or accessory use in South of Market Zoning Districts, per Planning Code §§ 803.4 and 803.3(b)(1)(C)(ii). PUBLIC HEARING HELD & CLOSED ON JANUARY 10, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellant time to research alternative options pursuant to the Board's comments.
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(6) APPEAL NO. 06-188

SANDRA KEBEDE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	40 Montezuma Street. Protesting the issuance on November 16, 2006, to Paul Wikkterink, Permit to Alter a Building (on single-family house: add 5'-0" of fence in rear yard over 6'-0" high; to comply with NOV No. 200678052). APPLICATION NO. 2006/11/16/7824. FOR HEARING TODAY.
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(7) APPEAL NO. 06-197

KLAUS ZIMMERMANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1820-1822 Filbert Street. Protesting the issuance on December 18, 2006, to Eric Mathewson, Permit to Alter a Building (on 2-unit building: vertical addition for bedroom, bath, study and deck; interior remodeling; horizontal addition at rear). APPLICATION NO. 2005/05/26/3570S. FOR HEARING TODAY.
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(8) APPEAL NO. 06-200

TRUST OF REGAN CARROLL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1179-1189 Tennessee Street. Appealing the denial on December 21, 2006, of Site Permit to Erect a Building (4-story, 8-unit residential/commercial building with 5,580sf of ground floor area). APPLICATION NO. 9902819S. FOR HEARING TODAY.
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(9) APPEAL NO. 06-201

PETER SO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1574 – 46 th Avenue. Protesting the issuance on December 8, 2006, to Julia Ding, Permit to Alter a Building (on single-family house: replace 2 nd level laundry room with full bath at rear of house; legalize two sheds in rear yard, approx. 125sf each; any shed within 3' of property line to have fire rated walls). APPLICATION NO. 2006/08/18/9915. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 8, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX

PRESIDENT

MICHAEL GARCIA

VICE PRESIDENT

KATHARINE ALBRIGHT

COMMISSIONER

FRANK FUNG

COMMISSIONER

ROBERT HAALAND

COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

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BOARD OF APPEALS CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 14, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Ron Tom, Chief Building Inspector, Building Inspection Department (DBI); Tina Tam, Senior Planner, Planning Department (PD); Robert H. Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant for the Board; and Easteller Bruihl, Official Court Reporter.

ABSENT: Randall Knox, President.

(1) **PUBLIC COMMENT:**

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SPEAKERS: Walter Paulson described his mother's experience many years ago which showed fairness of City's enforcement of traffic code.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:** None.

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(4) APPEAL NO. V06-177

ROGER TELLIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	180 Corwin Street. Appealing the denial on November 1, 2006, of Parking Variance (proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building). VARIANCE CASE NO. 2006.0878V. PUBLIC HEARING HELD & CLOSED ON JANUARY 10, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellant time to research alternative options pursuant to the Board's comments.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (President Knox absent) to continue to 4/18/07, for engineering study to be completed.

SPEAKERS: Jared Eigerman, Attorney, for Appellant; Roger Tellis, Appellant; Tina Tam, PD; Ron Tom, DBI.

PUBLIC COMMENT: Gerald Wolf spoke in favor of Appellants and He explained that he has decided to change his position and no longer opposes the project if the unit is removed.

(5) APPEAL NO. 06-187

GREG GRIFFIN dba "BARBER LOUNGE", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	854 Folsom Street. Appealing a Health Permit Zoning Referral, dated November 28, 2006, addressed to Greg Griffin, which states that massage establishments are not allowed as a primary or accessory use in South of Market Zoning Districts, per Planning Code §§ 803.4 and 803.3(b)(1)(C)(ii). PUBLIC HEARING HELD & CLOSED ON JANUARY 10, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellant time to research alternative options pursuant to the Board's comments.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 -1 (President Knox absent) to continue to 3/07/07, Appellant did not appear for hearing and the Board will call or send a letter to remind the Appellant about the appeal.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 06-188

SANDRA KEBEDE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	40 Montezuma Street. Protesting the issuance on November 16, 2006, to Paul Wikkterink, Permit to Alter a Building (on single-family house: add 5'-0" of fence in rear yard over 6'-0" high; to comply with NOV No. 200678052). APPLICATION NO. 2006/11/16/7824. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 1 – 1 (President Knox absent and Commissioner Haaland dissented) to uphold the permit.

SPEAKERS: Sandra Kebede, Appellant; Paul Wikkterink, Permit Holder; Peng Leong, Co- Permit Holder; Tina Tam, PD; Ron Tom, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 06-197

KLAUS ZIMMERMANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1820-1822 Filbert Street. Protesting the issuance on December 18, 2006, to Eric Mathewson, Permit to Alter a Building (on 2-unit building: vertical addition for bedroom, bath, study and deck; interior remodeling; horizontal addition at rear). APPLICATION NO. 2005/05/26/3570S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (President Knox absent) to uphold the permit on conditions that the 4th floor deck railing be 42 inches high and be made of glass.

SPEAKERS: Mark Topetcher, agent for Appellant; Jeremy Paul, agent for Permit Holder; Tina Tom, PD.

PUBLIC COMMENT: None.

(8) APPEAL NO. 06-200

TRUST OF REGAN CARROLL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1179-1189 Tennessee Street. Appealing the denial on December 21, 2006, of Site Permit to Erect a Building (4-story, 8-unit residential/commercial building with 5,580sf of ground floor area). APPLICATION NO. 9902819S. FOR HEARING TODAY.
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MEETING MINUTES, WEDNESDAY, FEBRUARY 14, 2007 - PAGE 4

ACTION: Upon motion by Fung, the Board voted 4 – 0 – 1 – (President Knox absent) to reschedule the matter to 3/07/07.

SPEAKERS: Thomas Lippe, Attorney for Appellant.

PUBLIC COMMENT: None.

(9) APPEAL NO. 06-201

PETER SO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1574 – 46 th Avenue. Protesting the issuance on December 8, 2006, to Julia Ding, Permit to Alter a Building (on single-family house: replace 2 nd level laundry room with full bath at rear of house; legalize two sheds in rear yard, approx. 125sf each; any shed within 3' of property line to have fire rated walls). APPLICATION NO. 2006/08/18/9915. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, 4 – 0 – 1(President Knox absent) to uphold the permit.

SPEAKERS: Jessica So, Daughter of Appellant; Julia Ding, Permit Holder; Tina Tam, PD.

PUBLIC COMMENT: None.

There being no further business, President Knox adjourned the meeting at 7:55 p.m.



Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, Official Court Reporter.

Board of Appeals

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February 21, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for Feb. 21, 2007 or Feb. 28, 2007. The next regular meeting is scheduled for **Wednesday, March 7, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **Feb. 16, 2007**

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Board of Appeals

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March 07, 2007

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BOARD OF APPEALS

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AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 7, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) SPECIAL ITEM:

Adoption of annual departmental budget for fiscal year 2007-2008.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1945 Pacific Avenue. Permit issued on October 10, 2006. Last day to appeal was October 25, 2006. Jurisdiction request received on January 18,

2007. Letter from Richard Hurlburt, attorney for Bruce Hoban, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/10/10/4510. Permit Holder: Daniel Fong. Project: on 12-unit apartment building; remodel three full bathrooms and half bathroom and kitchen in penthouse unit; remodel existing kitchen and bathroom on 1st floor (Unit 2C) per plan.

(4b) ADOPTION OF FINDINGS:

Subject property at 2440 Scott Street. Discussion and adoption of proposed findings for Appeal No. V06-193, Goldin & Keenan vs. ZA, decided Feb. 7, 2007. At that time, upon motion by Vice President Garcia, the Board voted 5-0 to revoke the subject variance, with findings to be adopted on March 7, 2007. Variance Holder: Kevin Connors Trust. Project: construct a new three-story spiral staircase at the rear of the existing three-story building, variance case no. 2006.0216V.

(4c) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

(4d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile – Omnipoint.

(5) APPEAL NO. 06-109

GALINA SMIRNOVA, Appellant(s) vs.	1270-1272 – 47th Avenue. Protesting the issuance on July 11, 2006, to W. Szmokaluk, Permit to Alter a
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DEPT. OF BUILDING INSPECTION, Respondent	Building (on 2-unit building: remove sheet rock; sand and refinish floors; repair bathroom tile; paint walls; replace dishwasher; comply with NOV No. 200670570; all work in Unit 1272). APPLICATION NO. 2006/07/11/6185. FOR REHEARING TODAY. Note: On September 13, 2006, the Board voted 5-0 to revoke the subject permit. On October 18, 2006, the Board voted 4-0-1 (RH absent) to grant the permit holder's rehearing request, and to schedule the rehearing to the Call of Chair pending resolution of the probate court proceedings.
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(6) APPEAL NO. V06-185

MICHAEL MAZZAFERRO & EDGAR BEALS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4052 – 21 st Street. Protesting the granting on November 16, 2006, to Gregory Whitfield, Rear Yard Variance (construct a 2 nd floor deck with a descending staircase within the required rear yard). VARIANCE CASE NO. 2006.0740V. PUBLIC HEARING HELD & CLOSED ON JANUARY 31, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for variance holder to submit revised plans pursuant to the Board's comments.
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(7) APPEAL NO. 06-187

GREG GRIFFIN dba "BARBER LOUNGE", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	854 Folsom Street. Appealing a Health Permit Zoning Referral, dated November 28, 2006, addressed to Greg Griffin, which states that massage establishments are not
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	allowed as a primary or accessory use in South of Market Zoning Districts, per Planning Code §§ 803.4 and 803.3(b)(1)(C)(ii). PUBLIC HEARING HELD & CLOSED ON JANUARY 10, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellant time to research alternative options pursuant to the Board's comments.
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(8) APPEAL NO. 06-203

GURLAL SINGH dba "LIBERTY MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5851 Geary Boulevard. Appealing a 15-day suspension of a Tobacco Product Sales Establishment Permit, imposed on December 18, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-297. FOR HEARING TODAY.
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ITEMS (9A), (9B) & (9C) SHALL BE HEARD TOGETHER:**(9A) APPEAL NO. 06-132**

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove One (1) Tree. ORDER NO. 176, 056. FOR HEARING TODAY.
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(9B) APPEAL NO. 06-133

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS	1045-1059 Broadway, and 1061 Broadway #1,2, and 3. Protesting the issuance on August 7, 2006, to Charles Mosser, Aaron
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BUREAU OF URBAN FORESTRY, Respondent	Buchanan & Pat Milazzo, Joel Camarda, and Jose Gatchalian, Permit to Remove One (1) Tree. ORDER NO. 176, 057. FOR HEARING TODAY.
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(9C) APPEAL NO. 06-134

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1041 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove Two (2) Trees. ORDER NO. 176, 055. FOR HEARING TODAY.
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(10) APPEAL NO. 06-204

SUSAN & WALTER PFAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	177 Majestic Avenue. Appealing the imposition of penalty on December 29, 2006, for work done without a permit (on single family house: remove illegal kitchen in garage area and restore to original design; comply with NOV No. 200672442; legalize deck; legalize bedroom in basement below garage level). APPLICATION NO. 2006/11/09/7301. FOR HEARING TODAY.
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(11) APPEAL NO. 06-200

TRUST OF REGAN CARROLL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1179-1189 Tennessee Street. Appealing the denial on December 21, 2006, of Site Permit to Erect a Building (4-story, 8-unit residential/commercial building with 5,580sf of ground floor area). APPLICATION NO. 9902819S. FOR HEARING TODAY.
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(12) APPEAL NO. 06-205

MIKE & LEE ANN NAPOLITANA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	3827 California Street. Appealing the denial on December 15, 2006, of Site Permit to Alter a Building (on two-unit building: remove basement dwelling unit and install garage; interior remodel as shown). APPLICATION NO. 2006/02/07/4026S. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 1, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven

minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices

are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruhl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 7, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Robert Feldman, Executive, Secretary; and Victor Pacheco, Legal Assistant, for the Board; and Easteller Bruhl, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Francis David Ryan proposed a motion regarding denial of redevelopment application; David Tornheim spoke in support of David Ryan.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) SPECIAL ITEM:

Adoption of annual departmental budget for fiscal year 2007-2008.

ACTION: Upon motion by President Knox, the Board voted 5 – 0 to continue the matter to 4/4/2007

SPEAKERS: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1945 Pacific Avenue. Permit issued on October 10, 2006. Last day to appeal was October 25, 2006. Jurisdiction request received on January 18, 2007. Letter from Richard Hurlburt, attorney for Bruce Hoban, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/10/10/4510. Permit Holder: Daniel Fong. Project: on 12-unit apartment building; remodel three full bathrooms and half bathroom and kitchen in penthouse unit; remodel existing kitchen and bathroom on 1st floor (Unit 2C) per plan.

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to deny the Jurisdiction Request. Requestor and Permit Holder did not appear.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) ADOPTION OF FINDINGS:

Subject property at 2440 Scott Street. Discussion and adoption of proposed findings for Appeal No. V06-193, Goldin & Keenan vs. ZA, decided Feb. 7, 2007. At that time, upon motion by Vice President Garcia, the Board voted 5-0 to revoke the subject variance, with findings to be adopted on March 7, 2007. Variance Holder: Kevin Connors Trust. Project: construct a new three-story spiral staircase at the rear of the existing three-story building, variance case no. 2006.0216V.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to adopt the findings.

SPEAKERS: Ilene Dick; Attorney for Appellant.

PUBLIC COMMENT: None.

(4c) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reschedule the matter to 4/18/07.

SPEAKER: Tina Tam, Senior Planner requested rescheduling of the matter, due to the Board of Supervisors' moratorium.

PUBLIC COMMENT: None.

(4d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile – Omnipoint.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reschedule the matter to 4/18/07.

SPEAKER: Tina Tam, Senior Planner requested rescheduling of this matter, due to the Board of Supervisors' moratorium.

PUBLIC COMMENT: None.

(5) APPEAL NO. 06-109

GALINA SMIRNOVA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1270-1272 – 47 th Avenue. Protesting the issuance on July 11, 2006, to W. Szmokaluk, Permit to Alter a Building (on 2-unit building: remove sheet rock; sand and refinish floors; repair bathroom tile; paint walls; replace dishwasher; comply with NOV No. 200670570; all work in Unit 1272). APPLICATION NO. 2006/07/11/6185. FOR REHEARING TODAY. Note: On September 13, 2006, the Board voted 5-0 to revoke the subject permit. On October 18, 2006, the Board voted 4-0-1 (RH absent) to grant the permit holder's rehearing request, and to schedule the rehearing to the Call of Chair pending resolution of the probate court proceedings.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to uphold the permit on condition that the executor of the estate pursue additional permits to abate all outstanding building code violations.

SPEAKERS: Galina Smirnova, Appellant; Richard Palechar, Attorney for Appellant; Wallace Szmokaluk, Permit Holder; Laurence Kornfield, (DBI).

PUBLIC COMMENT: None.

(6) APPEAL NO. V06-185

MICHAEL MAZZAFERRO & EDGAR BEALS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4052 – 21 st Street. Protesting the granting on November 16, 2006, to Gregory Whitfield, Rear Yard Variance (construct a 2 nd floor deck with a descending staircase within the required rear yard). VARIANCE CASE NO. 2006.0740V. PUBLIC HEARING HELD & CLOSED ON JANUARY 31, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for variance holder to submit revised plans pursuant to the Board's comments.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to continue to Call of the Chair for parties and Zoning Administrator to work out a new set of revised plans.

SPEAKERS: Gregory Whitfield, Variance Holder; Tina Tam, (PD); Michael Mazzaferro, Co-Appellant.

PUBLIC COMMENT: None.

(7) APPEAL NO. 06-187

GREG GRIFFIN dba "BARBER LOUNGE", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	854 Folsom Street. Appealing a Health Permit Zoning Referral, dated November 28, 2006, addressed to Greg Griffin, which states that massage establishments are not allowed as a primary or accessory use in South of Market Zoning Districts, per Planning Code §§ 803.4 and 803.3(b)(1)(C)(ii). PUBLIC HEARING HELD & CLOSED ON JANUARY 10, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellant time to research alternative options pursuant to the Board's comments.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to uphold the Zoning-Administrator Health Permit referral.

SPEAKERS: Appellant did not appear.

PUBLIC COMMENT: None.

MEETING MINUTES - WEDNESDAY, MARCH 7, 2007 - PAGE 5

(8) APPEAL NO. 06-203

GURLAL SINGH dba "LIBERTY MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5851 Geary Boulevard. Appealing a 15-day suspension of a Tobacco Product Sales Establishment Permit, imposed on December 18, 2006. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-06-297. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to uphold the 15 day suspension.

SPEAKERS: Johnson Ojo Principal Inspector (DPH) and Gundal Singh, Appellant.

PUBLIC COMMENT: None.

ITEMS (9A), (9B) & (9C) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 06-132

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove One (1) Tree. ORDER NO. 176, 056. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule all three matters to Call of the Chair. (Pending a final resolution of negotiations)

SPEAKERS: Appellant and Department of Public Works; Bureau of Urban Forestry (DPW-BUF); did not appear.

PUBLIC COMMENT: None.

(9B) APPEAL NO. 06-133

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1045-1059 Broadway, and 1061 Broadway #1,2, and 3. Protesting the issuance on August 7, 2006, to Charles Mosser, Aaron Buchanan & Pat Milazzo, Joel Camarda, and Jose Gatchalian, Permit to Remove One (1) Tree. ORDER NO. 176, 057. FOR HEARING TODAY.
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MEETING MINUTES - WEDNESDAY, MARCH 7, 2007 - PAGE 6

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule all three matters to Call of the Chair. (Pending a final resolution of negotiations)

SPEAKERS: Appellant and Department of Public Works; Bureau of Urban Forestry (DPW-BUF) did not appear.

PUBLIC COMMENT: None.

(9C) APPEAL NO. 06-134

RUSSIAN HILL NEIGHBORS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1041 Broadway. Protesting the issuance on August 7, 2006, to Charles Mosser, Permit to Remove Two (2) Trees. ORDER NO. 176, 055. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule all three matters to Call of the Chair. (Pending a final resolution of negotiations)

SPEAKERS: Appellant, Department of Public Works; and Bureau of Urban Forestry (DPW-BUF); and Department of public Health (DPH) did not appear.

PUBLIC COMMENT: None.

(10) APPEAL NO. 06-204

SUSAN & WALTER PFAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	177 Majestic Avenue. Appealing the imposition of penalty on December 29, 2006, for work done without a permit (on single family house: remove illegal kitchen in garage area and restore to original design; comply with NOV No. 200672442; legalize deck; legalize bedroom in basement below garage level). APPLICATION NO. 2006/11/09/7301. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reduce the penalty to two times the regular fee.

SPEAKERS: Laurence Kornfield, (DBI); Walter Pfau, Appellant.

PUBLIC COMMENT: None.

(11) APPEAL NO. 06-200

MEETING MINUTES - WEDNESDAY, MARCH 7, 2007 - PAGE 7

TRUST OF REGAN CARROLL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1179-1189 Tennessee Street. Appealing the denial on December 21, 2006, of Site Permit to Erect a Building (4-story, 8-unit residential/commercial building with 5,580sf of ground floor area). APPLICATION NO. 9902819S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 1 – 4 to uphold the denial. Motion failed.

ACTION: Upon motion by Commissioner Albright, the Board voted 2 – 3 to uphold the denial. Motion passed. Four votes are needed to overrule Department denial.

ACTION: Upon motion by President Knox, the Board voted 5 – 0 to deny all 3 motions suggested by Appellant's Attorney.

SPEAKERS: Tina Tam, PD; Thomas Lippe, Attorney, for Appellant; Regan Carroll, Appellant.

PUBLIC COMMENT: None.

(12) APPEAL NO. 06-205

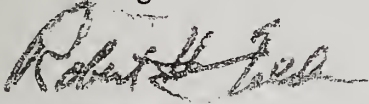
MIKE & LEE ANN NAPOLITANA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	3827 California Street. Appealing the denial on December 15, 2006, of Site Permit to Alter a Building (on two-unit building: remove basement dwelling unit and install garage; interior remodel as shown). APPLICATION NO. 2006/02/07/4026S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 1 to overrule the denial and grant the permit with findings to be adopted on 3/21/07.

SPEAKERS: Tina Tam, PD; Jeremy Paul, Agent for Appellant.

PUBLIC COMMENT: Guenther Stottmeister spoke in favor of the Appellant and said the parking situation is terrible in the neighborhood and the variance should be approved.

There being no further business, President Knox adjourned the meeting at 8:35 p.m.



Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruhl, the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 14, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

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(3) ADDENDUM ITEMS: None.

~~03-15-07P12:05 ARMY~~

~~03-14926-019 ARMY~~

03-15-07P12:05 RCVD

(4) APPEAL NO. 06-199

CIRO MATARAZZO, Appellant(s)
vs.

TAXI COMMISSION, Respondent

Appealing the removal of Ciro Matarazzo's
name from the Public Convenience &
Necessity Medallion Waiting List.
LIST NO. 6-011.
RESOLUTION NO. 2006-115.
FOR HEARING TODAY.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 06-014

MALANA MOBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on January 5, 2006, to North Point Holdings LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/24/3844. FOR HEARING TODAY. Note: On March 15, 2006, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal (demo permit) at the BOS.
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(5B) APPEAL NO. 06-194

BRUCE RADO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on November 30, 2006, to North Point Holdings LLC, Site Permit to Erect a Building (3-story, 3-unit building with 2,450sf of ground floor area). APPLICATION NO. 2005/01/24/3842S. FOR HEARING TODAY. Note: On January 31, 2007, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal (site permit) at the BOS.
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(6) APPEAL NO. 06-192

FRANCIS D. RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1018 Clayton Street. Protesting the issuance on December 1, 2006, to Gunther Dertz, Permit to Alter Building (renew BPA No. 9416202 [re-roofing] and BPA No. 2003/09/22/5414 [construct 7'-0" X 36" high one-hour fire rated parapet on roof at south side] for final inspection). APPLICATION NO. 2006/12/01/8898. FOR HEARING TODAY. Note: Matter rescheduled from Feb. 7, 2007 to allow time for parties to engage in mediation at Community Boards.
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(7) APPEAL NO. 06-198

BRIXHILDA DABERDAKU dba "LUIGI'S DELICATESSA", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1926 Lombard Street Appealing a determination dated December 20, 2006, addressed to Brixhilda Daberdaku, concerning a proposal for off-sale liquor sales at the subject property. FOR HEARING TODAY.
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(8) APPEAL NO. 06-202

JEFFREY KRAMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	591-599 Guerrero Street. Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment). APPLICATION NO. 2006/05/19/2075. FOR HEARING TODAY.
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(9) APPEAL NO. 07-001

PO LUN TAM, LAI CHUN TAM, SOK LAU KWOK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1460-1468 Broadway. Protesting the issuance on January 3, 2007, to 1460 Broadway LLC, Permit to Alter a Building (on six-unit building: interior remodel of all six units; at 1 st level convert storage to habitable space; convert storage to three new parking spaces; sprinklers throughout under separate permit; French doors - not visible from street). APPLICATION NO. 2006/08/09/8997. FOR HEARING TODAY.
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(10) APPEAL NO. V07-002

CHUK KWAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	204-206 – 2 nd Avenue. Appealing the denial on January 5, 2007, of Parking Variance (legalize an existing one-bedroom dwelling unit constructed without permits on the ground floor of the two-family residence without an independently accessible parking space). VARIANCE CASE NO. 2006.1107V. FOR HEARING TODAY.
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(11) APPEAL NO. 07-004

PATRICIA VAUGHEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2277 Chestnut Street. Protesting the issuance on January 8, 2007, to Phuc Van Ho, Permit to Alter a Building (remodel existing retail space to be nail salon on 1 st level; includes new partitions for storage room; lighting and counter; upgrade front entry for disabled access. APPLICATION NO. 2007/01/08/1210. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 8, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruhl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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DEPARTMENT 41

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 14, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorneys (OCA); Laurence Kornfield, Chief of the Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Heidi Machen, Executive Director of Taxi Commission.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Patricia Vaughey alerted the Board About an appeal scheduled soon which will raise new issues.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS: None.

(4) APPEAL NO. 06-199

DOCUMENTS DEPT

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CIRO MATARAZZO, Appellant(s)
vs.

TAXI COMMISSION, Respondent

Appealing the removal of Ciro Matarazzo's name from the Public Convenience & Necessity Medallion Waiting List.
LIST NO. 6-011.
RESOLUTION NO. 2006-115.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 1 (President Knox dissented) to uphold the removal of the appellant's name from the medallion waiting list.

SPEAKERS: Heidi Machen, for TC; Stephen Conrad, agent for appellant; Ciro Matarazzo, appellant.

PUBLIC COMMENT: Barry Taranto spoke in favor of Taxi Commission, said he thought that the Taxi commission should have followed up each year on fulfillment of medallion holders driving requirement. Though he feels sympathy for the appellant, the Commission should be upheld since the appellant had three opportunities and passed them up and further delay keeps a driver from getting the next open medallion.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 06-014

MALANA MOBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on January 5, 2006, to North Point Holdings LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/24/3844. FOR HEARING TODAY. Note: On March 15, 2006, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal (demo permit) at the BOS.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to 3/21/07.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5B) APPEAL NO. 06-194

BRUCE RADO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on November 30, 2006, to North Point Holdings LLC, Site Permit to Erect a Building (3-story, 3-unit building with 2,450sf of ground floor area). APPLICATION NO. 2005/01/24/3842S. FOR HEARING TODAY. Note: On January 31, 2007, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal (site permit) at the BOS.
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MEETING MINUTES - WEDNESDAY, MARCH 14, 2007 - PAGE 3

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to 3/21/07.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 06-192

FRANCIS D. RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1018 Clayton Street. Protesting the issuance on December 1, 2006, to Gunther Dertz, Permit to Alter Building (renew BPA No. 9416202 [re-roofing] and BPA No. 2003/09/22/5414 [construct 7'-0" X 36" high one-hour fire rated parapet on roof at south side] for final inspection). APPLICATION NO. 2006/12/01/8898. FOR HEARING TODAY. Note: Matter rescheduled from Feb. 7, 2007 to allow time for parties to engage in mediation at Community Boards.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Francis David Ryan, Appellant; Gunther Dertz, Permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 06-198

BRIXHILDA DABERDAKU dba "LUIGI'S DELICATESSA", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1926 Lombard Street Appealing a determination dated December 20, 2006, addressed to Brixhilda Daberdaku, concerning a proposal for off-sale liquor sales at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to the Call of the Chair to allow time for Appellant and Zoning Administration to work out a solution.

SPEAKER: Justin Allamano, Attorney for Appellant.

PUBLIC COMMENT: None.

(8) APPEAL NO. 06-202

JEFFREY KRAMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	591-599 Guerrero Street. Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment). APPLICATION NO. 2006/05/19/2075. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to reschedule the matter to 4/18/07.

SPEAKER: Paul Albritton, Attorney for Permit Holder.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-001

PO LUN TAM, LAI CHUN TAM, SOK LAU KWOK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1460-1468 Broadway. Protesting the issuance on January 3, 2007, to 1460 Broadway LLC, Permit to Alter a Building (on six-unit building: interior remodel of all six units; at 1 st level convert storage to habitable space; convert storage to three new parking spaces; sprinklers throughout under separate permit; French doors - not visible from street). APPLICATION NO. 2006/08/09/8997. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to uphold the permit on conditions that work shall not begin until July 21, 2007.

SPEAKERS: Katherine Kwok, Agent for Appellant; Anand Gohel, Permit Holder; Patrick Kwok, Agent for Appellant.

PUBLIC COMMENT: None.

(10) APPEAL NO. V07-002

CHUK KWAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	204-206 – 2 nd Avenue. Appealing the denial on January 5, 2007, of Parking Variance (legalize an existing one-bedroom dwelling unit constructed without permits on the ground floor of the two-family residence without an independently accessible parking space). VARIANCE CASE NO. 2006.1107V. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to reschedule the matter to 3/21/07.

SPEAKERS: None.

PUBLIC COMMENT:

(11) APPEAL NO. 07-004

PATRICIA VAUGHEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2277 Chestnut Street. Protesting the issuance on January 8, 2007, to Phuc Van Ho, Permit to Alter a Building (remodel existing retail space to be nail salon on 1 st level; includes new partitions for storage room; lighting and counter; upgrade front entry for disabled access. APPLICATION NO. 2007/01/08/1210. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 2 (Commissioners Albright and Haaland dissented) to uphold the permit.

SPEAKERS: Patricia Vaughey, Appellant; Gerald Powell, Agent for Permit Holder; Tina Tam, PD.

PUBLIC COMMENT: Richard Wada of the South East Asia Agency (Agent for permit holder) said his group support immigrants' small businesses which are a vital part of the City's Economy and he urged the Board to uphold the permit.

Charles Bain spoke in favor of the appellant and said that 60 of the 83 members of the merchants association oppose this shop because there are enough nail shop already on the street and nail salons are not being picked on.

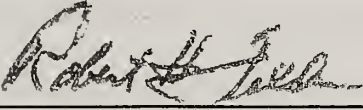
Caroline Mai spoke for her mother who owns a nail shop two doors away and asked the Board to revoke the permit. Her mother is from Vietnam and raised three children here and needs her shop for support her family. A new salon will be significant competition for her since there are four nail shops within 100 feet.

Allen Tien representing his parents said there are already five stores within walking distance and area doesn't need another nail shop. His parents had to lay off three employees recently because of the competition of the other shops and one more will make it worse.

Kimberly Le opposes this nail salon because there are already too many in the Marina and she will lose her job if another is approved.

Maggie Sidell said he has lived in the Marina since 1992 and no additional shops are needed.

There being no further business, President Knox adjourned the meeting at 8:35 p.m.

A handwritten signature in dark ink, appearing to read "Robert H. Feldman", written over a horizontal line.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reported.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 21, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

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(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 3827 California Street. Discussion and adoption of proposed findings for Appeal No. 06-205, Napolitana vs. DBI, PCD, decided March 7, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule the denial, and grant the permit, with findings to be adopted on March 21, 2007. Project: on two-unit building, remove basement dwelling unit and install garage; interior remodel as shown, BPA No. 2006/02/07/4026S.

(4) APPEAL NO. 07-005

KYO LEE
dba "FILLMORE MARKET", Appellant(s)
vs.

DEPT. OF PUBLIC HEALTH, Respondent

1669 Fillmore Street.
Appealing a ten (10) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on January 10, 2007. Reason(s) for suspension: selling tobacco products to minors.
DIRECTOR'S CASE NO. FD-07-021.
FOR HEARING TODAY.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 06-060

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	737 Castro Street. Protesting the issuance on April 18, 2006, to Dean Ballback, Permit to Alter a Building (on single-family house: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626). APPLICATION NO. 2006/04/18/9218. PUBLIC HEARING HELD & CLOSED ON JUNE 14, 2006. FOR FURTHER CONSIDERATION TODAY. Note: The Board voted 5-0 on July 26, 2006 to continue the matter to Call of Chair so that the permit holder can proceed with the variance application at Planning.
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(5B) APPEAL NO. 06-093

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	737 Castro Street. Protesting the issuance on August 22, 2005, to Dean Ballback, Permit to Alter a Building (on single-family house: replace portion of foundation; concrete cap; north side footing). APPLICATION NO. 2005/08/22/0845. JURISDICTION GRANTED 06/14/2006. FOR HEARING TODAY. Note: The Board voted 5-0 on July 26, 2006 to continue the matter to Call of Chair so that the permit holder can proceed with the variance application at Planning.
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ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 06-014

MALANA MOBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on January 5, 2006, to North Point Holdings LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/24/3844. FOR HEARING TODAY. Note: On March 15, 2006, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal (demo permit) at the BOS.
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(6B) APPEAL NO. 06-194

BRUCE RADO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on November 30, 2006, to North Point Holdings LLC, Site Permit to Erect a Building (3-story, 3-unit building with 2,450sf of ground floor area). APPLICATION NO. 2005/01/24/3842S. FOR HEARING TODAY. Note: On January 31, 2007, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal (site permit) at the BOS.
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(7) APPEAL NO. V07-002

CHUK KWAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	204-206 – 2 nd Avenue. Appealing the denial on January 5, 2007, of Parking Variance (legalize an existing one-bedroom dwelling unit constructed without permits on the ground floor of the two-family residence without an independently accessible parking space). VARIANCE CASE NO. 2006.1107V. FOR HEARING TODAY.
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ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 07-006

STEVEN GOODMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	730 Great Highway. Protesting the issuance on January 23, 2007, to Tom MacDonald, Permit to Erect a Building (three-story, two-unit residential building). APPLICATION NO. 2003/05/29/5813. FOR HEARING TODAY.
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(8B) APPEAL NO. 07-007

STEVEN GOODMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	730 Great Highway. Protesting the issuance on January 16, 2007, to Tom MacDonald, Permit to Erect a Building (three-story, two-unit residential building). APPLICATION NO. 2005/10/18/5856. FOR HEARING TODAY.
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(9) APPEAL NO. 07-009

CITY LIGHTS PARTNERSHIP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2130 Leavenworth Street #9. Appealing a Notice of Violation dated January 17, 2007, addressed to Tom Zimmerman and City Lights Partnership c/o Shirley Ann Walker, that the subject property is being operated in a manner consistent with that of a hotel, in violation of Planning Code § 209.2(d). FOR HEARING TODAY.
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(10) APPEAL NO. 07-010

LISA AMICK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3527-3529 – 21 st Street. Protesting the issuance on January 17, 2007, to Ben & Wendy Yalom, Permit to Alter a Building (comply with NOV; revise BPA No. 2006/07/26/7705 to show existing use at attic; permanent removal of illegal unit; return building to legal two-unit configuration to comply with NOV; new attic window (front); add seven new skylights). APPLICATION NO. 2006/11/08/7196. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 15, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

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ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

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BOARD OF APPEALS CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 21, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

ABSENT: President Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistance; and Manuel Payes, Office Clerk, for the Board; Easteller Bruihl, Official Court Reporter.

1/07
(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

DOCUMENTS DEPT.

DEC 28 2007

(3) **ADDENDUM ITEMS:**

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(3a) **ADOPTION OF FINDINGS:**

Subject property at 3827 California Street. Discussion and adoption of proposed findings for Appeal No. 06-205, Napolitana vs. DBI, PCD, decided March 7, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule the denial, and grant the permit, with findings to be adopted on March 21, 2007. Project: on two-unit building, remove basement dwelling unit and install garage; interior remodel as shown, BPA No. 2006/02/07/4026S.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1(President Knox was absent) to reschedule the matter to 4/4/07.

SPEAKER: Jeremy Paul, Agent for Appellant.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07-005

KYO LEE dba "FILLMORE MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1669 Fillmore Street. Appealing a ten (10) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on January 10, 2007. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-07-021. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1(President Knox was absent) to reduce the suspension to five days.

SPEAKERS: John Ojo, DPH; Kyo Lee, Appellant; Maria Lee, Wife of Appellant.

PUBLIC COMMENT: None.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 06-060

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	737 Castro Street. Protesting the issuance on April 18, 2006, to Dean Ballback, Permit to Alter a Building (on single-family house: revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626). APPLICATION NO. 2006/04/18/9218. PUBLIC HEARING HELD & CLOSED ON JUNE 14, 2006. FOR FURTHER CONSIDERATION TODAY. Note: The Board voted 5-0 on July 26, 2006 to continue the matter to Call of Chair so that the permit holder can proceed with the variance application at Planning.
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ACTION: Upon motion by Vice President Garcia, the Board voted 2 – 2 – 1(Commissioners Albright and Haaland dissented; President Knox was absent) to uphold both permits.

SPEAKERS: Tina Tam, PD; Isaac Abrams, Appellant; Thomas Roberts, Agent for Permit Holder; Laurence Kornfield, DBI; Mark Lonning, Agent for Permit Holder; Pat Buscovich, Agent for Permit Holder; Tamara Abrams Daughter of Appellant.

PUBLIC COMMENT: Richard Kadel, on behalf of the Appellant said, he had received a Notice of Violation for his property and that the contractor had put dirt under his fence without permission and is violation of code.

(5B) APPEAL NO. 06-093

ISAAC ABRAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	737 Castro Street. Protesting the issuance on August 22, 2005, to Dean Ballback, Permit to Alter a Building (on single-family house: replace portion of foundation; concrete cap; north side footing). APPLICATION NO. 2005/08/22/0845. JURISDICTION GRANTED 06/14/2006. FOR HEARING TODAY. Note: The Board voted 5-0 on July 26, 2006 to continue the matter to Call of Chair so that the permit holder can proceed with the variance application at Planning.
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ACTION: Upon motion by Vice President Garcia, the Board voted 2 – 2 – 1(Commissioners Albright and Haaland dissented; President Knox was absent) to uphold both permits.

SPEAKERS: Tina Tam, PD; Isaac Abrams, Appellant; Thomas Roberts, Agent for Permit Holder; Laurence Kornfield, DBI; Mark Lonning, Agent for Permit Holder; Pat Buscovich, Agent for Permit Holder; Tamara Abrams Daughter of Appellant.

PUBLIC COMMENT: Richard Kadel, on behalf of the Appellant said he had received a Notice of Violation for his property and that the contractor had put dirt under his fence without permission and is violation of code.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) APPEAL NO. 06-014

MALANA MOBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on January 5, 2006, to North Point Holdings LLC, Permit to Demolish a Building (2-story, single-family house with 1,000sf of ground floor area). APPLICATION NO. 2005/01/24/3844. FOR HEARING TODAY. Note: On March 15, 2006, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal (demo permit) at the BOS.
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ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1(President Knox, was absent) to reschedule the matters to Call of the Chair. Awaiting the next step by the Permit Holder since the Board of Supervisors disapproved.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6B) APPEAL NO. 06-194

BRUCE RADO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	869 North Point Street. Protesting the issuance on November 30, 2006, to North Point Holdings LLC, Site Permit to Erect a Building (3-story, 3-unit building with 2,450sf of ground floor area). APPLICATION NO. 2005/01/24/3842S. FOR HEARING TODAY. Note: On January 31, 2007, the Board voted 5-0 to reschedule the matter to the Call of Chair pending resolution of the CEQA appeal (site permit) at the BOS.
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ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1(President Knox, was absent) to reschedule the matters to Call of the Chair. Awaiting the next step by the Permit Holder since the Board of Supervisors disapproved.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. V07-002

CHUK KWAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	204-206 – 2 nd Avenue. Appealing the denial on January 5, 2007, of Parking Variance (legalize an existing one-bedroom dwelling unit constructed without permits on the ground floor of the two-family residence without an independently accessible parking space). VARIANCE CASE NO. 2006.1107V. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 1 – 1(President Knox was absent and Commissioner Haaland dissented) to uphold the denial.

SPEAKERS: Tina Tam, PD; Gary Bell, Agent for Appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: None

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 07-006

STEVEN GOODMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	730 Great Highway. Protesting the issuance on January 23, 2007, to Tom MacDonald, Permit to Erect a Building (three-story, two-unit residential building). APPLICATION NO. 2003/05/29/5813. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1(President Knox was absent) to hear the matters tonight.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1(President Knox was absent) to uphold both permits.

SPEAKERS: Steven Goodman, Agent for Appellant; Lu Blazej, Agent for Permit Holder; Tina Tam, PD; Mike Wilkinson, for Permit Holder.

PUBLIC COMMENT: None.

(8B) APPEAL NO. 07-007

STEVEN GOODMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	730 Great Highway. Protesting the issuance on January 16, 2007, to Tom MacDonald, Permit to Erect a Building (three-story, two-unit residential building). APPLICATION NO. 2005/10/18/5856. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1(President Knox was absent) to hear the matters tonight.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1(President Knox was absent) to uphold both permits.

SPEAKERS: Steven Goodman, Agent for Appellant; Lu Blazej, Agent for Permit Holder; Tina Tam, PD; Mike Wilkinson, for Permit Holder.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-009

CITY LIGHTS PARTNERSHIP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2130 Leavenworth Street #9. Appealing a Notice of Violation dated January 17, 2007, addressed to Tom Zimmerman and City Lights Partnership c/o Shirley Ann Walker, that the subject property is being operated in a manner consistent with that of a hotel, in violation of Planning Code § 209.2(d). FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1(President Knox was absent) to continue the matter to 05/2/07, for parties to negotiate the sound issue, and with the Public Hearing closed.

SPEAKERS: Tina Tam, PD; Andrea August, Attorney for Appellant; Edward Hartley, Attorney, for neighbors; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(10) APPEAL NO. 07-010

LISA AMICK, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

3527-3529 – 21st Street.

Protesting the issuance on January 17, 2007, to Ben & Wendy Yalom, Permit to Alter a Building (comply with NOV; revise BPA No. 2006/07/26/7705 to show existing use at attic; permanent removal of illegal unit; return building to legal two-unit configuration to comply with NOV; new attic window (front); add seven new skylights).

APPLICATION NO. 2006/11/08/7196.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 - 1(President Knox was absent) to reschedule the matter to 5/09/07.

SPEAKERS: None.

PUBLIC COMMENT: None.

There being no further business, President Knox adjourned the meeting at 8:45 p.m.



Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Easteller Bruhl, The Official Court Reporter.

Board of Appeals

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March 28, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for March 28, 2007. The next regular meeting is scheduled for **Wednesday, April 4, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **March 22, 2007**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 4, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) SPECIAL ITEM:

Public hearing, consideration and adoption of departmental budget for fiscal year 2007-2008.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 1179-1189 Tennessee Street. Letter from Thomas Lippe, attorney for Trust of Regan Carroll, appellant, requesting rehearing of Appeal No. 06-200, decided March 7, 2007. At that time, upon motion by Commissioner Albright, the Board voted 2-3 (President Knox, Vice President Garcia, and Commissioner Fung dissented) to uphold the denial of the subject permit. Four votes being required to overrule a departmental action under the City Charter, the denial of the subject permit was upheld. Project: construct a four-story, eight-unit residential/commercial building with 5,580sf of ground floor area, BPA No. 9902819S.

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 213-215 Noe Street. Permit issued on December 5, 2006. Last day to appeal was December 20, 2006. Jurisdiction request received on March 20, 2007. Letter from Amanda Ebey, attorney for Ken Herrera, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/12/05/9168. Permit Holders: Jesus Marez & Daniel McLean. Project: renew BPA No. 2006/06/05/3197 to complete and continue work (tenant to be vacated from 215A illegal unit; upgraded partitions to 1 hour; remove stove; legalize bathroom and storage rooms).

(4c) ADOPTION OF FINDINGS:

Subject property at 3827 California Street. Discussion and adoption of proposed findings for Appeal No. 06-205, Napolitana vs. DBI, PCD, decided March 7, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule the denial, and grant the permit, with findings to be adopted on March 21, 2007. Project: on two-unit building, remove basement dwelling unit and install garage; interior remodel as shown, BPA No. 2006/02/07/4026S.

(5) APPEAL NO. 06-191

JOHN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	630-632 Funston Avenue. Protesting the issuance on December 1, 2006, to P. Sciaroni, Permit to Alter Building (renew BPA No. 2005/11/17/8374 – for corrective action per complaint No. 200563838; remove illegal one story addition to rear of front building; rebuild infill at 1 st /grade level to side of rear building). APPLICATION NO. 2006/12/01/8933. PUBLIC HEARING HELD & CLOSED ON FEBRUARY 7, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to engage in mediation.
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(6) APPEAL NO. 07-011

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	800 Brotherhood Way. Protesting the issuance on January 17, 2007, to Mission Development Group, Permit to Remove and Relocate Two (2) Trees & Remove and Replace Thirty-Two (32) Trees. ORDER NO. 176,333. FOR HEARING TODAY.
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(7) APPEAL NO. 07-013

KEVIN ROMANKO & STEVE FUNG, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	114 Chattanooga Street. Appealing the denial on January 31, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,671. FOR HEARING TODAY.
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(8) APPEAL NO. 07-012

GALE ELSTON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	850 Greenwich Street. Appealing a determination dated January 31, 2007, addressed to Gale Elston, regarding the commercial use of the ground floor at the subject property. FOR HEARING TODAY.
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ADJOURNMENT.

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Date posted: **March 26, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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LOBBYING ACTIVITY

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SUGGESTIONS TO IMPROVE EFFICIENCY

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**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 4, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner and Katharine Albright.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney(OCA); Laurence Kornfield, Chief Building Inspector, Building Inspection Department (DBI); Tina Tam, Senior Planner, Planning Department(PD); Carla Short, Department of Public Works Bureau of Urban Forestry(DPW/BUF); Robert Feldman, Executive Secretary; and Manuel Payes, Office Clerk, for the Board of Appeals; Easteller Bruhl, Official Court Reporter.

ABSENT: Robert Haaland, Commissioner and Victor Pacheco, Legal Assistant.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) SPECIAL ITEM:

DOCUMENTS DEPT.

DEC 28 2007

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Public hearing, consideration and adoption of departmental budget for fiscal year 2007-2008.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 -1(Commissioner Haaland absent) to adopt the Board of Appeals Budget for 2008.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 1179-1189 Tennessee Street. Letter from Thomas Lippe, attorney for Trust of Regan Carroll, appellant, requesting rehearing of Appeal No. 06-200, decided March 7, 2007. At that time, upon motion by Commissioner Albright, the Board voted 2-3 (President Knox, Vice President Garcia, and Commissioner Fung dissented) to uphold the denial of the subject permit. Four votes being required to overrule a departmental action under the City Charter, the denial of the subject permit was upheld. Project: construct a four-story, eight-unit residential/commercial building with 5,580sf of ground floor area, BPA No. 9902819S.

ACTION: Upon motion by Commissioner Fung, the Board voted 4- 0 – 1(Commissioner Haaland absent) to reschedule the matter to 4/2/08.

SPEAKERS: Thomas Lippe, Attorney for Appellant; Tina Tam, for ZA.

PUBLIC COMMENT: None.

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 213-215 Noe Street. Permit issued on December 5, 2006. Last day to appeal was December 20, 2006. Jurisdiction request received on March 20, 2007. Letter from Amanda Ebey, attorney for Ken Herrera, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/12/05/9168. Permit Holders: Jesus Marez & Daniel McLean. Project: renew BPA No. 2006/06/05/3197 to complete and continue work (tenant to be vacated from 215A illegal unit; upgraded partitions to 1 hour; remove stove; legalize bathroom and storage rooms).

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1(Commissioner Haaland absent) to grant the Jurisdiction Request for late appeal.

SPEAKERS: Amanda L. Ebey, Attorney for Requestor.

PUBLIC COMMENT: None.

(4c) ADOPTION OF FINDINGS:

Subject property at 3827 California Street. Discussion and adoption of proposed findings for Appeal No. 06-205, Napolitana vs. DBI, PCD, decided March 7, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule the denial, and grant the permit, with findings to be adopted on March 21, 2007. Project: on two-unit building, remove basement dwelling unit and install garage; interior remodel as shown, BPA No. 2006/02/07/4026S.

ACTION: Upon motion by commissioner Fung, the Board voted 4 – 0 – 1(Commissioner Haaland absent) to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) APPEAL NO. 06-191

JOHN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	630-632 Funston Avenue. Protesting the issuance on December 1, 2006, to P. Sciaroni, Permit to Alter Building (renew BPA No. 2005/11/17/8374 – for corrective action per complaint No. 200563838; remove illegal one story addition to rear of front building; rebuild infill at 1 st /grade level to side of rear building). APPLICATION NO. 2006/12/01/8933. PUBLIC HEARING HELD & CLOSED ON FEBRUARY 7, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to engage in mediation.
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ACTION: Appeal withdrawn by Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 07-011

JULIAN LAGOS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	800 Brotherhood Way. Protesting the issuance on January 17, 2007, to Mission Development Group, Permit to Remove and Relocate Two (2) Trees & Remove and Replace Thirty-Two (32) Trees. ORDER NO. 176,333. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1(Commissioner Haaland absent) to uphold the Department of Public Works and Bureau of Urban Forestry with conditions that 12 additional trees should be planted with consultation with Department of Public works and Bureau of Urban Forestry. Adoption of findings is to be submitted by 4/18/07.

SPEAKERS: Julian Lagos, Appellant; Carla Short,(DPW/BUF); Steven Vettel, Attorney for Permit Holder; Carolyn Blair, for (BUF); Tina Tam, (ZA).

PUBLIC COMMENT: Aaron Goodman of a Park Merced tenant group for appellant asked the Board to deny the applicant because the park is so precious to the neighbors' recreation.

Daniel Phillips Vice President of the tenant group for appellant said he strongly opposed the project and something seems to be wrong with the process.

M.K. Venkatachari spoke in favor of the appellant.

Laura Travele for appellant said: we can't overlook that trees are in sand and Developers haven't mentioned an open space although trees are important and need to be retained.

Tom Agee for appellant said Park Merced is one of four such planned developments in the country and it is the only one being torn apart. Therefore, this project will affect the historical value of Park Merced.

Michael Perla for appellant said that he lives in a nearby tower and the project will affect Park Merced and well being of people without providing any moderate income housing for the City.

Maria Elena Mestaye said developers call Brotherhood way a right - of - way when this area is native area. Even Golden Gate park trees are non-native.

Healani Ting for appellant said she is a long-time user of the park which is habitat for many mammals, birds and butterflies. The project put Park Merced one step closer to the Ellis Act.

Lee Marie Parme for appellant said she walks her dog twice a day and to her this is a park right- of-way.

Carolyn Blair of the Tree Council spoke in favor of the Permit Holder and said it is important to increase the City's Canopy.

(7) APPEAL NO. 07-013

KEVIN ROMANKO & STEVE FUNG, Appellant(s) vs.	114 Chattanooga Street. Appealing the denial on January 31, 2007, of Permit to Remove and Replace One (1) Tree.
DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	ORDER NO. 176,671. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1(Commissioner Haaland absent) to continue the matter to 5/9/07.

SPEAKERS: Carla Short, (DPW/BUF); Steve Fung, Appellant; Kevin Romanko, Appellant; Carolyn Blair for (DPW/BUF).

PUBLIC COMMENT: Ray Leggitt for appellant; Tony Wolcott for appellant; Ellen Abels, for appellant.

(8) APPEAL NO. 07-012

GALE ELSTON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	850 Greenwich Street. Appealing a determination dated January 31, 2007, addressed to Gale Elston, regarding the commercial use of the ground floor at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1(Commissioner Haaland absent) to reschedule the matter to 5/2/07.

SPEAKERS: Gale Elston, Appellant; Dr. C.W. Getz, for Permit Holder.

PUBLIC COMMENT: None.

There being no further business, President Knox adjourned the meeting at 8:10 p.m.



Robert H. Feldman, Executive Secretary.

Transcripts of these hearings can be obtained from Easteller Bruhl, the Official Court Reporter.

Board of Appeals

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April 11, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for April 11, 2007. The next regular meeting is scheduled for **Wednesday, April 18, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

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Date Posted: **April 5, 2007**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 18, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

11:00 a.m. msf
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(3) ADDENDUM ITEMS:

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(3a) ADOPTION OF FINDINGS:

Subject property at 800 Brotherhood Way. Appeal No. 07-011, Lagos vs. DPW BUF, decided April 4, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the subject permit on condition that twelve (12) additional trees be planted in consultation with the DPW BUF. Permit Holder: Mission Development Group. Permit Scope: remove and relocate two (2) trees, and remove and replace thirty-two (32) trees; DPW Order No. 176,333.

(3b) REHEARING REQUESTS:

Subject property at 737 Castro Street. Letter from Isaac Abrams, appellant, requesting rehearing of Appeal Nos. 06-060 and 06-093, decided March 21, 2007. At that time, upon motion by Vice President Garcia, the Board voted 2-2-1 (Commissioner Albright and Commissioner Haaland dissented; President Knox absent) to uphold both permits. Permit Holder: Dean Ballback. Project (1st permit): on single-family house; revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626; BPA No. 2006/04/18/9218. Project (2nd permit): on single-family house; replace portion of foundation; concrete cap; north side footing; BPA No. 2005/08/22/0845.

(3c) REHEARING REQUEST:

Subject property at 2277 Chestnut Street. Letter from Patricia Vaughey, appellant, requesting rehearing of Appeal No. 07-004, decided March 14, 2007. At that time, upon motion by Vice President Garcia, the Board voted 3-2 (Commissioner Albright and Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: Phuc Van Ho. Project: remodel existing retail space to be nail salon on 1st level; includes new partitions for storage room; lighting and counter; upgrade front entry for disabled access, BPA No. 2007/01/08/1210.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 78 Peralta Street. Zoning Administrator Letter of Determination issued on February 23, 2007. Last day to appeal was March 12, 2007. Jurisdiction request received on April 9, 2007. Letter from Suzanne Scull, requestor, asking that the Board take jurisdiction over a Letter of Determination regarding Variance No. 98.567V (waiver of parking requirement at subject property).

(3f) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile – Omnipoint.

(3g) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

(4) APPEAL NO. 06-202

JEFFREY KRAMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	591-599 Guerrero Street. Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment). APPLICATION NO. 2006/05/19/2075. FOR HEARING TODAY.
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(5) APPEAL NO. V06-177

ROGER TELLIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	180 Corwin Street. Appealing the denial on November 1, 2006, of Parking Variance (proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building). VARIANCE CASE NO. 2006.0878V. PUBLIC HEARING HELD & CLOSED ON JANUARY 10, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellant time to conduct an engineering study.
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(6) APPEAL NO. 07-015

TIM HALE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	4032 – 23 rd Street. Appealing the denial on January 31, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,674. FOR HEARING TODAY.
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(7) APPEAL NO. 07-016

CHARLES BELOV, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	240 – 28 th Street. Appealing the denial on January 31, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,678. FOR HEARING TODAY.
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(8) APPEAL NO. 07-019

SUHEIL SALFITI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1598 McAllister Street. Appealing the denial on February 9, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176, 673. FOR HEARING TODAY.
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(9) APPEAL NO. 07-017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27 th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3 rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 12, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 18, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department(PD); Carla Short, Department of Public Works/Bureau Urban Forestry(DPW/BUF); Robert Feldman, Executive Secretary, Victor Pacheco, Legal Assistant; Manuel Payes, Office Clerk for the Board; and Easteller Bruihl, Official Court Reporter.

ABSENT: President Randall Knox.

(1) PUBLIC COMMENT:

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SPEAKERS: None

PUBLIC COMMENT: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 800 Brotherhood Way. Appeal No. 07-011, Lagos vs. DPW BUF, decided April 4, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the subject permit on condition that twelve (12) additional trees be planted in consultation with the DPW BUF. Permit Holder: Mission Development Group. Permit Scope: remove and relocate two (2) trees, and remove and replace thirty-two (32) trees; DPW Order No. 176,333.

DOCUMENTS DEPT.

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ACTION: Upon motion by Vice President Garcia, the board voted 4 – 0 – 1(President Knox absent) to reschedule the matter to 5/2/07.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) REHEARING REQUESTS:

Subject property at 737 Castro Street. Letter from Isaac Abrams, appellant, requesting rehearing of Appeal Nos. 06-060 and 06-093, decided March 21, 2007. At that time, upon motion by Vice President Garcia, the Board voted 2-2-1 (Commissioner Albright and Commissioner Haaland dissented; President Knox absent) to uphold both permits. Permit Holder: Dean Ballback. Project (1st permit): on single-family house; revision to BPA No. 2005/09/08/2285; show all new framing at rear room; lower back roof 18" and move railing 3' off south property line; landscape rear yard, retaining walls and fence; comply with NOV nos. 200561712, 20067313, and 200667626; BPA No. 2006/04/18/9218. Project (2nd permit): on single-family house; replace portion of foundation; concrete cap; north side footing; BPA No. 2005/08/22/0845.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1(President Knox absent) to deny both Requests for Rehearing.

SPEAKERS: Isaac Abrams, A; Fareed Himmati, Agent for Appellant; Daryl Abrams, son of Appellant; Dean Ballback, Permit Holder; Pat Buscovich, Agent for Permit Holder; Laurence Kornfield, (DBI).

PUBLIC COMMENT: None.

(3c) REHEARING REQUEST:

Subject property at 2277 Chestnut Street. Letter from Patricia Vaughey, appellant, requesting rehearing of Appeal No. 07-004, decided March 14, 2007. At that time, upon motion by Vice President Garcia, the Board voted 3-2 (Commissioner Albright and Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: Phuc Van Ho. Project: remodel existing retail space to be nail salon on 1st level; includes new partitions for storage room; lighting and counter; upgrade front entry for disabled access, BPA No. 2007/01/08/1210.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 – (President Knox absent) to deny the Request for Rehearing.

SPEAKERS: Patricia Vaughey, Appellant; Gerold Powell, agent for Permit Holder; Phuc Van Ho, Permit Holder.

PUBLIC COMMENT: Peter Mai spoke in support of appellant and said that a new nail salon could hurt his mother's similar shop.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1(President Knox absent) to reschedule the matter to 6/20/07.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 78 Peralta Street. Zoning Administrator Letter of Determination issued on February 23, 2007. Last day to appeal was March 12, 2007. Jurisdiction request received on April 9, 2007. Letter from Suzanne Scull, requestor, asking that the Board take jurisdiction over a Letter of Determination regarding Variance No. 98.567V (waiver of parking requirement at subject property).

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1(President Knox absent) to grant the Jurisdiction Request.

SPEAKERS: Suzanne Scull, Requestor; Tina Tam, (PD).

PUBLIC COMMENT: None.

(3f) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile – Omnipoint.

ACTION: Upon motion by Commissioner Fung, the Board voted 3 – 1 -1(President Knox absent and Vice President Garcia recused) to reschedule the matter to 6/6/07.

SPEAKERS: Paul Albritton, Attorney; David Tornheim, Co-Requestor; Tam, (PD).

PUBLIC COMMENT: None.

(3g) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

ACTION: Upon motion by Commissioner Fung, the Board voted 3 – 1 – 1(President Knox absent and Vice President Garcia recused) o reschedule the matter to 6/06/07.

SPEAKERS: Paul Albritton, Attorney for Permit Holder; David Tornheim, Agent for Appellant; Tina Tam, (PD).

PUBLIC COMMENT: None.

(4) APPEAL NO. 06-202

JEFFREY KRAMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	591-599 Guerrero Street. Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment). APPLICATION NO. 2006/05/19/2075. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 3 – 1 – 1(President Knox absent and Vice President recused) to reschedule the matter to 6/06/07.

SPEAKERS: Paul Albritton, Attorney for Permit Holder; Jeffrey Kramer, Appellant; Tina Tam (PD).

PUBLIC COMMENT: None.

(5) APPEAL NO. V06-177

ROGER TELLIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	180 Corwin Street. Appealing the denial on November 1, 2006, of Parking Variance (proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building). VARIANCE CASE NO. 2006.0878V. PUBLIC HEARING HELD & CLOSED ON JANUARY 10, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellant time to conduct an engineering study.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1(President Knox absent) to continue the matter to 5/16/07.

SPEAKERS: Jared Eigerman, Attorney for Appellant; Roger Tellis, Appellant; Kelton Finney, Agent for Appellant; Tina Tam, (PD).

PUBLIC COMMENT: Dorothy Gadas, spoke in favor of Zoning Administrator and she described the difficulties her disabled husband would have in an emergency. Emergency vehicles could have trouble getting near her house if the project is done.

(6) APPEAL NO. 07- 015

TIM HALE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	4032 – 23 rd Street. Appealing the denial on January 31, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,674. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 3 – 1 -1(President Knox absent) to Uphold the denial of the permit.

SPEAKER: Carla Short, (DPW/BUF).

PUBLIC COMMENT: None.

(7) APPEAL NO. 07- 016

CHARLES BELOV, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	240 – 28 th Street. Appealing the denial on January 31, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,678. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 1- 1(President Knox absent) to uphold the denial of the permit.

SPEAKERS: Carla Short, (DPW/BUF); Charles Belov, Appellant.

PUBLIC COMMENT: None.

(8) APPEAL NO. 07- 019

SUHEIL SALFITI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1598 McAllister Street. Appealing the denial on February 9, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176, 673. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 – 1(President Knox absent) to reschedule the matter to 5/16/07.

SPEAKER: Carla Short, (DPW/BUF).

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27 th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3 rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 -1(President Knox absent) to reschedule the matter to 5/16/07.

SPEAKERS: None.

PUBLIC COMMENT: None.

There being no further business, Vice President Garcia adjourned the meeting at 8:10 p.m.



Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Eateller Bruihl, the Official Court Reporter.

Board of Appeals

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April 25, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for April 25, 2007. The next regular meeting is scheduled for **Wednesday, May 2, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

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Date Posted: **April 20, 2007**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 2, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

11:15 a.m. msf
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(3) **ADDENDUM ITEMS:**

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(3a) **REHEARING REQUEST:**

Subject property at 800 Brotherhood Way. Letter from Julian Lagos, appellant, requesting rehearing of Appeal No. 07-011, Lagos vs. DPW BUF, decided April 4, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the subject permit on condition that twelve (12) additional trees be planted in consultation with the DPW BUF. Permit Holder: Mission Development Group. Permit Scope: remove and relocate two (2) trees, and remove and replace thirty-two (32) trees; DPW Order No. 176,333.

(3b) **ADOPTION OF FINDINGS:**

Subject property at 800 Brotherhood Way. Appeal No. 07-011, Lagos vs. DPW BUF, decided April 4, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the subject permit on condition that twelve (12) additional trees be planted in consultation with the DPW BUF. Permit Holder: Mission Development Group. Permit Scope: remove and relocate two (2) trees, and remove and replace thirty-two (32) trees; DPW Order No. 176,333.

(4) APPEAL NO. 07-024

KENNY & AMY TSENG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	929 Pacific Avenue. Appealing the imposition of penalty on March 8, 2007, for work done without a permit (on 3-unit building: remove kitchen sinks, stoves, bathroom showers, and cabinets at basement level; reconfigure ground floor plan including two bedrooms, two bathrooms, study room, and hallway). APPLICATION NO. 2007/02/22/4676. FOR HEARING TODAY.
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(5) APPEAL NO. 07-012

GALE ELSTON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	850 Greenwich Street. Appealing a determination dated January 31, 2007, addressed to Gale Elston, regarding the commercial use of the ground floor at the subject property. FOR HEARING TODAY.
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(6) APPEAL NO. 07-021

CLARA LUSARDI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2164 – 15 th Street. Protesting the issuance on February 27, 2007, to Mikel Jaye, Site Permit to Alter a Building (on 2-unit building: addition at garage level; new stair up from garage to 1 st floor; roof deck over addition at garage; new back stair rebuild to 2 nd floor from 1 st floor, and from 1 st floor to rear yard). APPLICATION NO. 2005/07/20/8161S. FOR HEARING TODAY.
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(7) APPEAL NO. 07-022

CHRISTOPHER OLIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: MICHAEL NG & DARRYL WILBURN	662 – 12 th Avenue. Appealing the denial on March 2, 2007, of Site Permit to Alter a Building (on single- family house: horizontal addition to lower two levels of house creating a new below grade family room and extension to existing breakfast room; existing kitchen, garage, stairs are upgraded; new rear deck is created; existing upper level bathroom is remodeled). APPLICATION NO. 2006/05/09/1153S. FOR HEARING TODAY.
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(8) APPEAL NO. 07-023

JOYCE GERI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3321 Anza Street. Protesting the issuance on February 22, 2007, to Nian Cun Lao, Site Permit to Alter a Building (on single-family house: vertical and horizontal addition; interior remodel). APPLICATION NO. 2005/03/24/8272S. FOR HEARING TODAY.
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(9) APPEAL NO. 07-025

JOEL TOMEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	172-174 – 21 st Avenue. Protesting the issuance on February 23, 2007, to Nancy Wold, Permit to Alter a Building (on 2-unit building: legalize stairs and landing; door at rear wall for required second means of egress; comply with NOV No. 200684926). APPLICATION NO. 2007/02/23/4744. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 26, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 2, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney(OCA); Laurence Kornfield, Chief Inspector, Department of Building Inspection(DBI); Lawrence Badiner, Zoning Administrator, Planning Department (ZA); Carla Short, Urban Forester, Department of Public Works/Bureau of Urban Forestry (DPW/BUF); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; and Joel Case, Official Court Reporter.

ABSENT: Manuel Payes, Clerk Typist.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 800 Brotherhood Way. Letter from Julian Lagos, appellant, requesting rehearing of Appeal No. 07-011, Lagos vs. DPW BUF, decided April 4, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the subject permit on condition that twelve (12) additional trees be planted in consultation with the DPW BUF. Permit Holder: Mission Development Group. Permit Scope: remove and relocate two (2) trees, and remove and replace thirty-two (32) trees; DPW Order No. 176,333.

DOCUMENTS DEPT.

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MEETING MINUTES WEDNESDAY, MAY 2, 2007 - PAGE 2

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to deny the Rehearing Request.

SPEAKERS: Julian Lagos, Appellant; Steven Vettel, Attorney for Permit Holder.

PUBLIC COMMENT: Healani Ting spoke in favor of the appellant.

(3b) ADOPTION OF FINDINGS:

Subject property at 800 Brotherhood Way. Appeal No. 07-011, Lagos vs. DPW BUF, decided April 4, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the subject permit on condition that twelve (12) additional trees be planted in consultation with the DPW BUF. Permit Holder: Mission Development Group. Permit Scope: remove and relocate two (2) trees, and remove and replace thirty-two (32) trees; DPW Order No. 176,333.

ACTION: Upon motion by President Knox, the Board voted 5 - 0 to adopt the findings as amended.

SPEAKERS: Julian Lagos, Appellant.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07-024

KENNY & AMY TSENG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	929 Pacific Avenue. Appealing the imposition of penalty on March 8, 2007, for work done without a permit (on 3-unit building: remove kitchen sinks, stoves, bathroom showers, and cabinets at basement level; reconfigure ground floor plan including two bedrooms, two bathrooms, study room, and hallway). APPLICATION NO. 2007/02/22/4676. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to uphold the penalty.

SPEAKERS: Laurence Kornfield, DBI; Kenny Tseng, Appellant.

PUBLIC COMMENT: None.

(5) APPEAL NO. 07-012

GALE ELSTON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	850 Greenwich Street. Appealing a determination dated January 31, 2007, addressed to Gale Elston, regarding the commercial use of the ground floor at the subject property. FOR HEARING TODAY.
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MEETING MINUTES WEDNESDAY, MAY 2, 2007 - PAGE 3

ACTION: Upon motion by President Knox, the Board voted 5 – 0 to continue the matter to 5/16/07 with the Public Hearing closed. Parties need to submit additional information pursuant to the Board's comments.

SPEAKERS: Gale Elston, Appellant; Lawrence Badiner, (ZA); Laurence Kornfield, (DBI).

PUBLIC COMMENT: CW Getz spoke in favor of the ZA.

Claudio Silva, operator of the Art Gallery in the subject building, spoke in favor of the appellant.

(6) APPEAL NO. 07-021

CLARA LUSARDI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2164 – 15 th Street. Protesting the issuance on February 27, 2007, to Mikel Jaye, Site Permit to Alter a Building (on 2-unit building: addition at garage level; new stair up from garage to 1 st floor; roof deck over addition at garage; new back stair rebuild to 2 nd floor from 1 st floor, and from 1 st floor to rear yard). APPLICATION NO. 2005/07/20/8161S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to continue the matter to 6/13/07, with the Public Hearing closed, and to await outcome of pending arbitration proceedings.

SPEAKERS: Clara Lusardi, Appellant; Mikel Jaye, Permit Holder; John Lum, Agent for Permit Holder; Lawrence Badiner, (ZA).

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-022

CHRISTOPHER OLIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: MICHAEL NG & DARRYL WILBURN	662 – 12 th Avenue. Appealing the denial on March 2, 2007, of Site Permit to Alter a Building (on single-family house: horizontal addition to lower two levels of house creating a new below grade family room and extension to existing breakfast room; existing kitchen, garage, stairs are upgraded; new rear deck is created; existing upper level bathroom is remodeled). APPLICATION NO. 2006/05/09/1153S. FOR HEARING TODAY.
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MEETING MINUTES WEDNESDAY, MAY 2, 2007 - PAGE 4

ACTION: Upon motion by President Knox, the Board voted 5 – 0 to overrule the denial and grant the permit with various conditions as read into record, with findings and revised plans to be adopted on 5/16/07.

SPEAKERS: Lawrence Badiner, (ZA); Jeremy Paul, Agent for Appellant; Christopher Olin, Appellant; Kristine Ng, Agent for § 14 party; Darryl Wilburn, §14 party.

PUBLIC COMMENT: Gloria Henry spoke in support of the Planning Commission,

(8) APPEAL NO. 07-023

JOYCE GERI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3321 Anza Street. Protesting the issuance on February 22, 2007, to Nian Cun Lao, Site Permit to Alter a Building (on single-family house: vertical and horizontal addition; interior remodel). APPLICATION NO. 2005/03/24/8272S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to continue the matter to 6/6/07, with the Public Hearing closed, and with the Permit Holder to submit revised plans pursuant to the Board's comments.

SPEAKERS: Brian Hughes, Agent for Appellant; Joel Fohler, Agent for Permit Holder; Joyce Cheng, Agent for Permit Holder; Pamela Fohler, Agent for Permit Holder; Lawrence Badiner, ZA; Joyce Geri, Appellant.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-025

JOEL TOMEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	172-174 – 21 st Avenue. Protesting the issuance on February 23, 2007, to Nancy Wold, Permit to Alter a Building (on 2-unit building: legalize stairs and landing; door at rear wall for required second means of egress; comply with NOV No. 200684926). APPLICATION NO. 2007/02/23/4744. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to uphold the permit on condition that the permit scope be modified to legalize the as-built condition and with a Notice of Special Restrictions to be recorded by the Subject Property Owner on the land records which states that said as built condition may remain so long as the disabled resident (Subject Property Owner's sister) lives at the subject property.

SPEAKERS: Joel Tomei, Appellant; Nancy Wold, Permit Holder; Laurence Kornfield, DBI; Lawrence Badiner, ZA.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Knox adjourned the meeting at 10:45 p.m.

Transcripts of these hearings can be obtained from Easteller Bruhl, the Official Court Reporter

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 9, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

DOCUMENTS DEPT.

MAY 17 2007

(3) ADDENDUM ITEMS:

SAN FRANCISCO
PUBLIC LIBRARY

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 39 – 6th Street. Permit denied on March 27, 2007. Last day to appeal was April 11, 2007. Jurisdiction request received on April 13, 2007. Letter from Jon Webster, attorney for Shlomo Gonen, requestor, asking that the Board take jurisdiction over the denial of a pawnbroker permit by the Police Department (SFPD).

(4) APPEAL NO. 07-013

KEVIN ROMANKO & STEVE FUNG, Appellant(s)
vs.
DEPT. OF PUBLIC WORKS
BUREAU OF URBAN FORESTRY, Respondent

114 Chattanooga Street.
Appealing the denial on January 31, 2007,
of Permit to Remove and Replace One (1)
Tree.
ORDER NO. 176,671.
PUBLIC HEARING HELD & CLOSED ON
APRIL 4, 2007. FOR FURTHER
CONSIDERATION TODAY.

(5) APPEAL NO. 07-010

LISA AMICK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3527-3529 – 21 st Street. Protesting the issuance on January 17, 2007, to Ben & Wendy Yalom, Permit to Alter a Building (comply with NOV; revise BPA No. 2006/07/26/7705 to show existing use at attic; permanent removal of illegal unit; return building to legal two-unit configuration to comply with NOV; new attic window (front); add seven new skylights). APPLICATION NO. 2006/11/08/7196. FOR HEARING TODAY.
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(6) APPEAL NO. 07-026

CLEAR CHANNEL OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	145 Stillman Street. Appealing a Notice of Violation dated February 23, 2007, addressed to Robert Katz & Debora Stanley, and Clear Channel Outdoor, that the west face of the general advertising sign on the roof of the subject property has been enlarged and intensified (light box) without a permit, in violation of Planning Code § 604(h). FOR HEARING TODAY.
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(7) APPEAL NO. 07-028

ALAN ZULBERTI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2055 Green Street. Protesting the issuance on March 1, 2007, to Lorraine Kelley, Permit to Alter a Building (on two-unit building: extend garage into rear of existing building; cover two light wells at ground floor only; add elevator to each floor). APPLICATION NO. 2003/10/22/8225. FOR HEARING TODAY.
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(8) APPEAL NO. 07-029

NANCY CONWAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	528-530 Stanyan Street. Protesting the issuance on February 27, 2007, to Milton Panagotacos, Site Permit to Alter a Building (on two-unit building: construct two-level deck at the back of existing three-story dwelling). APPLICATION NO. 2006/05/30/2734S. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 3, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

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Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

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Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

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Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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ACCESSIBILITY INFORMATION

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruhl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 9, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, Easteller Bruhl, Official Court Reporter.

ABSENT: President Randall Knox and Clerk Typist Manuel Payes

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(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: William Duke explained the neighbors frustration with the permit review process because a Permit Holder's addendum plans are not consistent with the plans approved by Planning Commission and the Board of Appeals.

Ann Walker said the Permit Holder added a roof top railing which made a roof bench possible and different extension stairs from one side of the building to the other.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

DOCUMENTS DEPT.

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MEETING MINUTES - WEDNESDAY, MAY 9, 2007 - PAGE 2

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 39 – 6th Street. Permit denied on March 27, 2007. Last day to appeal was April 11, 2007. Jurisdiction request received on April 13, 2007. Letter from Jon Webster, attorney for Shlomo Gonen, requestor, asking that the Board take jurisdiction over the denial of a pawnbroker permit by the Police Department (SFPD).

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1 (President Knox absent) to grant the jurisdiction request.

SPEAKER: Jon Webster, Attorney for Requestor.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07-013

KEVIN ROMANKO & STEVE FUNG, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	114 Chattanooga Street. Appealing the denial on January 31, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,671. PUBLIC HEARING HELD & CLOSED ON APRIL 4, 2007. FOR FURTHER CONSIDERATION TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (President Knox absent) to continue the matter to 06/06/07. Both parties will submit additional information pursuant to the Board's comments.

SPEAKERS: Steve Fung, Co-Appellant; Kevin Romanko, Co-Appellant.

PUBLIC COMMENT: None.

(5) APPEAL NO. 07- 010

LISA AMICK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3527-3529 – 21 st Street. Protesting the issuance on January 17, 2007, to Ben & Wendy Yalom, Permit to Alter a Building (comply with NOV; revise BPA No. 2006/07/26/7705 to show existing use at attic; permanent removal of illegal unit; return building to legal two-unit configuration to comply with NOV; new attic window (front); add seven new skylights). APPLICATION NO. 2006/11/08/7196. FOR HEARING TODAY.
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MEETING MINUTES - WEDNESDAY, MAY 9, 2007 - PAGE 3

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (President Knox absent) to uphold the permit on conditions that DBI amend its records to reflect two (2) floors of habitable space.

SPEAKERS: Richard Hurlburt, Attorney for Appellant; Tracy Zill, Attorney for Permit Holder; Pat Buscovich, Agent for Appellant; Laurence Kornfield, DBI; Ben Yalom, Co- Permit Holder; Lisa Amick, Appellant.

PUBLIC COMMENT: None.

(6) APPEAL NO. 07-026

CLEAR CHANNEL OUTDOOR; Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	145 Stillman Street. Appealing a Notice of Violation dated February 23, 2007, addressed to Robert Katz & Debora Stanley, and Clear Channel Outdoor, that the west face of the general advertising sign on the roof of the subject property has been enlarged and intensified (light box) without a permit, in violation of Planning Code § 604(h). FOR HEARING TODAY.
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ACTION: Withdrawn by Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-028

ALAN ZULBERTI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2055 Green Street. Protesting the issuance on March 1, 2007, to Lorraine Kelley, Permit to Alter a Building (on two-unit building: extend garage into rear of existing building; cover two light wells at ground floor only; add elevator to each floor). APPLICATION NO. 2003/10/22/8225. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 -0 -1 (President Knox absent) to uphold the permit on condition that the structural design be revised to add a bearing wall to match existing wall at rear yard stairs, and to design a new grade beam along west property line that will not surcharge Appellant's retaining wall.

SPEAKERS: Alan Zulberti, Appellant; Patrick Buscovich, Agent for Appellant; Jeremy Paul, Agent for Permit Holder.

PUBLIC COMMENT: None.

(8) APPEAL NO. 07-029

NANCY CONWAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	528-530 Stanyan Street. Protesting the issuance on February 27, 2007, to Milton Panagotacos, Site Permit to Alter a Building (on two-unit building: construct two-level deck at the back of existing three-story dwelling). APPLICATION NO. 2006/05/30/2734S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (President Knox absent) to uphold the permit on conditions that lattice be added to both decks and that said lattice not exceed six (6) feet in height.

SPEAKERS: Rick Stone Agent, for Appellant; Jocelyn Stone, Agent for Appellant; Garrett Sanderson, Attorney for Permit Holder; Milt Panagotacos, Permit Holder; Tina Tam, (PD).

PUBLIC COMMENT: None.

There being no further business, Vice President adjourned the meeting at 8:28 P.M.

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 16, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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107 (2) COMMISSIONERS COMMENTS & QUESTIONS:

4:25 pm mst
DOCUMENTS DEPT.

(3) ADDENDUM ITEMS:

MAY 17 2007

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(3a) ADOPTION OF FINDINGS:

Subject property at 662- 12th Avenue. Appeal No. 07-022, Olin vs. DBI, PCD, decided May 2, 2007. At that time, upon motion by President Knox, the Board voted 5-0 to overrule the Planning Commission's denial, and grant the permit with various conditions as read into the record, and with findings and revised plans to be adopted on May 16, 2007. § 14 Parties: Michael Ng & Darryl Wilburn.

(4) APPEAL NO. V06-177

ROGER TELLIS, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

180 Corwin Street.

Appealing the denial on November 1, 2006, of Parking Variance (proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building).

VARIANCE CASE NO. 2006.0878V.

PUBLIC HEARINGS HELD & CLOSED ON JANUARY 10, 2007 & APRIL 18, 2007 FOR FURTHER CONSIDERATION TODAY.

Note: Matter continued to allow appellant time to consider issue of Below Market Rate (BMR) condition.

(5) APPEAL NO. 07-012

GALE ELSTON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	850 Greenwich Street. Appealing a determination dated January 31, 2007, addressed to Gale Elston, regarding the commercial use of the ground floor at the subject property. PUBLIC HEARING HELD & CLOSED ON MAY 2, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to submit additional information pursuant to the Board's comments.
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(6) APPEAL NO. 07-019

SUHEIL SALFITI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1598 McAllister Street. Appealing the denial on February 9, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176, 673. FOR HEARING TODAY.
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(7) APPEAL NO. 07-031

JACE ARCHITECTURE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2251 Chestnut Street. Appealing the denial on March 7, 2007, of Permit to Remove & Replace One (1) Tree. ORDER NO. 176, 735. FOR HEARING TODAY.
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(8) APPEAL NO. 07-034

FAISAL SALBI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	723 – 38 th Avenue. Appealing the denial on March 7, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,734. FOR HEARING TODAY.
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(9) APPEAL NO. V07-008

PINE STREET HOLDINGS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2255-2257 Pine Street. Appealing the conditions placed on Minimum Lot Area, Rear Yard, and Off-Street Parking Variances (subdivide an existing through lot of approximately 3,188sf in area into two separate lots). VARIANCE CASE NO. 2005.1128V. FOR HEARING TODAY.
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(10) APPEAL NO. 07-017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27 th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3 rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY.
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ADJOURNMENT.

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Date posted: **May 10, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

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SPECIAL NOTES

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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LOBBYING ACTIVITY

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SUGGESTIONS TO IMPROVE EFFICIENCY

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 16, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney; Spencer Gosh, Senior Building Inspector Department of Building Inspection; Tina Tam, Senior Planning, Planning Department; Carla Short, Department of Public Works/Bureau of Urban Forestry, (DPW/BUF); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant, and Manuel Payes, Clerk Typist; Joel Case, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: Tina Tam, (PD) reported the status of the permit for alteration on Church Street as requested by the Board on May 9, 2007.

(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 662- 12th Avenue. Appeal No. 07-022, Olin vs. DBI, PCD, decided May 2, 2007. At that time, upon motion by President Knox, the Board voted 5-0 to overrule the Planning Commission's denial, and grant the permit with various conditions as read into the record, and with findings and revised plans to be adopted on May 16, 2007. § 14 Parties: Michael Ng & Darryl Wilburn.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to adopt the findings as amended by the Office of the City Attorney, (OCA).

SPEAKERS: None.

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MEETING MINUTES - WEDNESDAY, MAY 16, 2007 - PAGE 2

PUBLIC COMMENT: None.

(4) APPEAL NO. V06-177

ROGER TELLIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	180 Corwin Street. Appealing the denial on November 1, 2006, of Parking Variance (proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building). VARIANCE CASE NO. 2006.0878V. PUBLIC HEARINGS HELD & CLOSED ON JANUARY 10, 2007 & APRIL 18, 2007 FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellant time to consider issue of Below Market Rate (BMR) condition.
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ACTION: Upon motion by President Knox, the Board voted 3 – 2 (Vice President Garcia and Commissioner Albright (dissented) to uphold the denial of the variance.

SPEAKERS: Roger Tellis, Appellant; Tina Tam, PD.

PUBLIC COMMENT: None.

(5) APPEAL NO. 07- 012

GALE ELSTON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	850 Greenwich Street. Appealing a determination dated January 31, 2007, addressed to Gale Elston, regarding the commercial use of the ground floor at the subject property. PUBLIC HEARING HELD & CLOSED ON MAY 2, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to submit additional information pursuant to the Board's comments.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 1 (Commissioner Albright dissented) to overrule the Zoning Administrator letter determination with findings to be adopted at a later date.

SPEAKERS: Gale Elston, Appellant; Tina Tam, PD; Scott Sanchez, PD.

PUBLIC COMMENT: Bill Getz spoke in favor of the Zoning Administrator and said the unit has been always a residential use.

Vicky Getz said that she has lived in the building for many years and the unit was always residential and not commercial.

MEETING MINUTES - WEDNESDAY, MAY 16, 2007 - PAGE 3

(6) APPEAL NO. 07- 019

SUHEIL SALFITI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1598 McAllister Street. Appealing the denial on February 9, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176, 673. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 4 - 1 (Commissioner Fung dissented) to uphold the denial of the permit.

SPEAKERS: Carla Short, DPW/BUF; Appellant did not appear.

PUBLIC COMMENT: None.

(7) APPEAL NO. 07- 031

JACE ARCHITECTURE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2251 Chestnut Street. Appealing the denial on March 7, 2007, of Permit to Remove & Replace One (1) Tree. ORDER NO. 176, 735. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to overrule the denial and to grant the tree removal permit with the following conditions: a) that Permit Holder plant three 24 inch box trees on Chestnut street; b) that Permit holder pay for maintenance of said trees for six months and c) that Permit Holder ensure regular maintenance of said trees for three years, and with findings to be adopted at a later date.

SPEAKERS: Carla Short, DPW/BUF; Jace Levinson, Agent for Appellant.

PUBLIC COMMENT: Patricia Vaughey described the planting program she is involved in on Chestnut Street and said she supports the appellant.

(8) APPEAL NO. 07- 034

FAISAL SALBI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	723 – 38 th Avenue. Appealing the denial on March 7, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,734. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to continue the matter to 7/11/07, with the public hearing closed, and with a report from DPW/BUF at that time.

SPEAKERS: Carla Short, DPW/BUF; Faisal Salbi, Appellant; Marie Conroy-Salbi, wife of Appellant.

MEETING MINUTES - WEDNESDAY, MAY 16, 2007 - PAGE 4

PUBLIC COMMENT: None.

(9) APPEAL NO. V07- 008

PINE STREET HOLDINGS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2255-2257 Pine Street. Appealing the conditions placed on Minimum Lot Area, Rear Yard, and Off-Street Parking Variances (subdivide an existing through lot of approximately 3,188sf in area into two separate lots). VARIANCE CASE NO. 2005.1128V. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to reschedule the matter to 7/11/2007, at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) APPEAL NO. 07- 017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27 th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3 rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to reschedule the matter to 6/06/2007, pending resolution of CEQA appeal at the Board of Supervisors.

SPEAKERS: Perry Chia, Appellant; Judith Rentschler, Attorney for Permit Holder.

PUBLIC COMMENT: None.

There being no further business, President Knox adjourned the meeting at 8:25 p.m.

Transcripts of these hearings can be obtained from Easteller Bruhl, the Official Court Reporter.

Board of Appeals

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May 23, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for May 23, 2007, and has cancelled the meeting of May 30, 2007. The next regular meeting is scheduled for **June 6, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **May 17, 2007**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 6, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

11:30 a.m. mst
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(3) ADDENDUM ITEMS:

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(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile - Omnipoint.

(3b) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on February 1, 2007. Last day to appeal was February 16, 2007. Jurisdiction request received May 4, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2004/06/15/6478S. Permit Holder: James Chan. Project: horizontal and vertical addition while adding 2nd dwelling unit.

(3d) REHEARING REQUEST:

Subject property at 172-174 – 21st Avenue. Letter from Joel Tomei, appellant, requesting rehearing of Appeal No. 07-025, decided May 2, 2007. At that time, upon motion by Commissioner Albright, the Board voted 5-0 to uphold the subject permit on condition that the permit scope be modified so as to legalize the as-built condition, and with a Notice of Special Restrictions (NSR) to be recorded on the land records by the subject property owner (SPO) which states that the as-built condition may remain so long as the disabled resident (sister of SPO) lives at the subject property.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2576-2580 Washington Street. Permit issued on April 23, 2007. Last day to appeal was May 8, 2007. Jurisdiction request received May 14, 2007. Letter from David Ruth, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/05/8119. Permit Holder: Jean Seto. Project: on 12-unit apartment building, units 4, 5, & 6 in building 2576; sections of wall and ceiling to be opened for electrical upgrade; plumbing work as needed; replace light fixtures; repair lath and plaster. **Note: Appeal 07-066, same subject property and same permit, was filed on May 7, 2007 by another tenant, Giuliana Rende; this appeal is scheduled for hearing on August 1, 2007.**

(4) APPEAL NO. 07-013

KEVIN ROMANKO & STEVE FUNG, Appellant(s)
vs.

DEPT. OF PUBLIC WORKS
BUREAU OF URBAN FORESTRY, Respondent

114 Chattanooga Street.
Appealing the denial on January 31, 2007,
of Permit to Remove and Replace One (1)
Tree.
ORDER NO. 176,671.
PUBLIC HEARINGS HELD & CLOSED ON
APRIL 4, 2007, & MAY 9, 2007. FOR
FURTHER CONSIDERATION TODAY.
**Note: Matter continued to allow appellants
time to submit additional information
pursuant to the Board's comments.**

(5) APPEAL NO. 07-023

JOYCE GERI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3321 Anza Street. Protesting the issuance on February 22, 2007, to Nian Cun Lao, Site Permit to Alter a Building (on single-family house: vertical and horizontal addition; interior remodel). APPLICATION NO. 2005/03/24/8272S. PUBLIC HEARING HELD & CLOSED ON MAY 2, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for permit holder to submit revised plans pursuant to the Board's comments.
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(6) APPEAL NO. 07-038

POLLY CHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	320 Quintara Street. Appealing the imposition of penalty on March 22, 2007, for work done without a permit (on single-family house: living space on ground floor to revert to storage room; legalize powder room; remove closet; and close door and window). APPLICATION NO. 2007/01/25/2624. FOR HEARING TODAY.
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(7) APPEAL NO. 06-202

JEFFREY KRAMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	591-599 Guerrero Street. Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment). APPLICATION NO. 2006/05/19/2075. FOR HEARING TODAY.
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(8) APPEAL NO. 07-017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27 th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3 rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY. Note: Matter continued from May 16, 2007 pending resolution of CEQA appeal at the Board of Supervisors.
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(9) APPEAL NO. 07-033

FAKHRI SWEIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	555 Haight Street. Appealing the denial on March 16, 2007, of Permit to Alter a Building (per NOV Nos. 200006795 and 200338750 given by Housing Inspection Division; illegal conversion of four dwelling units into group housing). APPLICATION NO. 2006/03/03/5979. FOR HEARING TODAY.
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(10) APPEAL NO. 07-039

DEREK THOMPSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2406 Bush Street. Appealing the denial on March 23, 2007, of Permit to Alter a Building (on single-family house: partially comply with BID NOV; legalize two decks replaced without permit; replace existing property line window; lower deck is less than 36 inches from grade and conforms with Planning Code § 136; upper deck is within required rear yard). APPLICATION NO. 2005/06/14/5091. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 21, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 6, 2007

10 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

SENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Thomas Owen, Deputy City Attorney, Office of the City Attorney, (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works/Bureau of Urban Forestry (DPW/BUF); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; and Daniel Payes, Typist Clerk; Easteller Bruhl, Official Court Reporter.

PUBLIC COMMENT:

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TAKERS: None.

COMMISSIONERS COMMENTS & QUESTIONS:

TAKERS: None:

ADDENDUM ITEMS:

JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

On specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile – San Francisco. Point.

DOCUMENTS DEPT.

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ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to reschedule the matter to 08/01/07, at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

ACTION: Upon motion by President Knox, the Board voted 5 – 0 to reschedule the matter to 08/01/07, at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on February 1, 2007. Last day to appeal was February 16, 2007. Jurisdiction request received May 4, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2004/06/15/6478S. Permit Holder: James Chan. Project: horizontal and vertical addition while adding 2nd dwelling unit.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to 06/20/07, at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3d) REHEARING REQUEST:

Subject property at 172-174 – 21st Avenue. Letter from Joel Tomei, appellant, requesting rehearing of Appeal No. 07-025, decided May 2, 2007. At that time, upon motion by Commissioner Albright, the Board voted 5-0 to uphold the subject permit on condition that the permit scope be modified so as to legalize the as-built condition, and with a Notice of Special Restrictions (NSR) to be recorded on the land records by the subject property owner (SPO) which states that the as-built condition may remain so long as the disabled resident (sister of SPO) lives at the subject property.

MEETING MINUTES - WEDNESDAY, JUNE 6, 2007 - PAGE 3

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to deny the request for rehearing.

SPEAKERS: Joel Tomei, Appellant; Nancy Wold, Permit Holder.

PUBLIC COMMENT: None.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2576-2580 Washington Street. Permit issued on April 23, 2007. Last day to appeal was May 8, 2007. Jurisdiction request received May 14, 2007. Letter from David Ruth, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/05/8119. Permit Holder: Jean Seto. Project: on 12-unit apartment building, units 4, 5, & 6 in building 2576; sections of wall and ceiling to be opened for electrical upgrade; plumbing work as needed; replace light fixtures; repair lath and plaster. **Note: Appeal 07-066, same subject property and same permit, was filed on May 7, 2007 by another tenant, Giuliana Rende; this appeal is scheduled for hearing on August 1, 2007.**

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to continue the matter to 06/13/07, with the public hearing closed, and to allow time for parties to negotiate a settlement.

SPEAKERS: David Ruth, Requestor, Joseph Sacramento, Attorney for Permit Holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07- 013

KEVIN ROMANKO & STEVE FUNG, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	114 Chattanooga Street. Appealing the denial on January 31, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,671. PUBLIC HEARINGS HELD & CLOSED ON APRIL 4, 2007, & MAY 9, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow appellants time to submit additional information pursuant to the Board's comments.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to overrule the denial and to grant the permit with the following condition: a) that a 36 inch box tree be planted at the subject property; and b) that two 24 Inch boxes trees be planted in front of the St. James Elementary School on Fair Oaks Street, with said trees to be paid for by the Appellants.

SPEAKERS: Kevin Romanko and Steve Fung, Appellants; Carla Short, DPW/BUF.

PUBLIC COMMENT: None.

(5) APPEAL NO. 07- 023

JOYCE GERI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3321 Anza Street. Protesting the issuance on February 22, 2007, to Nian Cun Lao, Site Permit to Alter a Building (on single-family house: vertical and horizontal addition; interior remodel). APPLICATION NO. 2005/03/24/8272S. PUBLIC HEARING HELD & CLOSED ON MAY 2, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for permit holder to submit revised plans pursuant to the Board's comments.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to uphold the permit with revised plans dated 05/25/07, and on condition that the Permit Holder provide mechanical ventilation for the bathrooms that open to the light-well on the east side.

SPEAKERS: Joyce Cheng, Agent for Permit Holder; Joyce Geri, Appellant; Tina Tam, PD.

PUBLIC COMMENT: None.

(6) APPEAL NO. 07- 038

POLLY CHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	320 Quintara Street. Appealing the imposition of penalty on March 22, 2007, for work done without a permit (on single-family house: living space on ground floor to revert to storage room; legalize powder room; remove closet; and close door and window). APPLICATION NO. 2007/01/25/2624. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reduce the penalty to two times the regular fee.

SPEAKERS: Poly Chan, Appellant; Laurence Kornfield, DBI;

PUBLIC COMMENT: None.

(7) APPEAL NO. 06-202

MEETING MINUTES - WEDNESDAY, JUNE 6, 2007 - PAGE 5

JEFFREY KRAMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	591-599 Guerrero Street. Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment). APPLICATION NO. 2006/05/19/2075. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to 08/01/07 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 07- 017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27 th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3 rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY. Note: Matter continued from May 16, 2007 pending resolution of CEQA appeal at the Board of Supervisors.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to reschedule the matter to 07/11/07, pending outcome of CEQA Appeal at the Board of Supervisors. .

SPEAKERS: Perry Chia, Appellant; Delly Wong, Permit Holder.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07- 033

FAKHRI SWEIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	555 Haight Street. Appealing the denial on March 16, 2007, of Permit to Alter a Building (per NOV Nos. 200006795 and 200338750 given by Housing Inspection Division; illegal conversion of four dwelling units into group housing). APPLICATION NO. 2006/03/03/5979. FOR HEARING TODAY.
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MEETING MINUTES - WEDNESDAY, JUNE 6, 2007 - PAGE 6

ACTION: Upon motion by Commissioner Haaland, the Board voted 2 -3 (Commissioners Fung and Albright, Vice President Garcia dissented) to continue the mater one month. The motion failed.

ACTION: Afterwards motion by Vice President Garcia, the Board voted 4 – 1 (Commissioner Haaland dissented) to uphold the denial.

SPEAKERS: Tina Tam, PD; Gabriel Levine, Attorney for Appellant; Fakhri Sweis, Appellant; Ilene Dick, Attorney for §14 Party; Laurence Kornfield, DBI.

PUBLIC COMMENT: Bill Maher spoke in favor of the PC and said the area has murders and drug dealing and 40 tenants is far too many.

Todd Barber spoke for Appellant and said many crimes in the Lower Haight are not from this hotel.

Regina Dick-Endrizzi spoke for PC and said Supervisor Mirkarimi supports the Commission and neighbors.

Tim Brannon said that he has been a tenant for years and is very satisfied.

Chris Moore said the problem is uncontrollable behavior.

Maurice Mogannam said that he has lived there for three months because he doesn't like to live alone.

Rochelle McCune asked the Board to enforce the Law.

Betty Nigam said that she is a manager and described security measures as usual.

Michael Alderete for PC said the hotel is good for him as a cardiac patient.

Pamela Newman said Fakhri helps people, neighbors, and creates security for tenants.

Theodore Waite said that he has a great admiration for the owner.

Jessy Standing Bear said the owner has a heart for people who are hurting.

Matthew Bailey spoke in favor of the Appellant.

Deborah Hof said that she calls the Appellant every night because of the noise and disturbances in the hotel.

(10) APPEAL NO. 07- 039

DEREK THOMPSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2406 Bush Street. Appealing the denial on March 23, 2007, of Permit to Alter a Building (on single-family house: partially comply with BID NOV; legalize two decks replaced without permit; replace existing property line window; lower deck is less than 36 inches from grade and conforms with Planning Code § 136; upper deck is within required rear yard). APPLICATION NO. 2005/06/14/5091. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to uphold the denial.

SPEAKERS: Tina Tam, PD; Laurence Kornfield, DBI; Derek Thompson, Appellant.

PUBLIC COMMENT: None.

There being no further business, President Knox adjourned the meeting at 8:25 p.m.

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 13, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

10:35 a.m. msf
DOCUMENTS DEPT.

JUN 14 2007

(3) ADDENDUM ITEMS:

SAN FRANCISCO
PUBLIC LIBRARY

(3a) ADOPTION OF FINDINGS:

Subject property at 2251 Chestnut Street. Appeal No. 07-031, Jace Architecture vs. DPW BUF, decided May 16, 2007. At that time, upon motion by Commissioner Albright, the Board voted 5-0 to overrule the denial, and grant the tree removal permit on condition a) that the permit holder plant three (3) trees of a twenty-four (24) inch box size on Chestnut Street, b) that the permit holder pay for maintenance of these trees for six (6) months, and c) that the permit holder ensure regular maintenance of these trees for three (3) years, with findings to be adopted at a later date.

(3b) REHEARING REQUEST:

Subject property at 1598 McAllister Street. Letter from Wayne Jones, agent for Suheil Salfiti, appellant, requesting rehearing of Appeal 07-019, Salfiti vs. DPW BUF, decided on May 16, 2007. At that time, upon motion by President Knox, the Board voted 4-1 (Commissioner Fung dissented) to uphold the denial of the subject permit (remove and replace one (1) tree); Order No. 176, 673.

(3c) REHEARING REQUEST:

Subject property at 180 Corwin Street. Letter from Eric Hansen, agent for Roger Tellis, appellant, requesting rehearing of Appeal V06-177, Tellis vs. ZA, decided on May 16, 2007. At that time, upon motion by President Knox, the Board voted 3-2 (Vice President Garcia & Commissioner Albright dissented) to uphold the denial of the subject variance. Project: proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building; Variance Case No. 2006.0878V.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2576-2580 Washington Street. Permit issued on April 23, 2007. Last day to appeal was May 8, 2007. Jurisdiction request received May 14, 2007. Letter from David Ruth, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/05/8119. Permit Holder: Jean Seto. Project: on 12-unit apartment building, units 4, 5, & 6 in building 2576; sections of wall and ceiling to be opened for electrical upgrade; plumbing work as needed; replace light fixtures; repair lath and plaster. Note: Appeal 07-066, same subject property and same permit, was filed on May 7, 2007 by another tenant, Giuliana Rende; this appeal is scheduled for hearing on August 1, 2007. **Public hearing held & closed on June 6, 2007. For further consideration today. Matter continued to allow time for parties to reach a settlement.**

(4) APPEAL NO. 07-009

CITY LIGHTS PARTNERSHIP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2130 Leavenworth Street #9. Appealing a Notice of Violation dated January 17, 2007, addressed to Tom Zimmerman and City Lights Partnership c/o Shirley Ann Walker, that the subject property is being operated in a manner consistent with that of a hotel, in violation of Planning Code § 209.2(d). PUBLIC HEARING HELD & CLOSED ON MARCH 21, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to negotiate the sound transmission issue.
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(5) APPEAL NO. 07-044

GOGNA PROPERTIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	640 Turk Street. Appealing the denial on March 30, 2007, of Permit to Remove and Replace Three (3) Trees. ORDER NO. 176,489. FOR HEARING TODAY.
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(6) APPEAL NO. 07-046

THOMAS KOLONUSZ-PARTEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	95 Ora Way F301. Appealing the imposition of penalty on April 13, 2007, for work done without a permit (on 30-unit condominium building: comply with NOV No. 200685933; legalize existing stairs). APPLICATION NO. 2007/04/13/8739. FOR HEARING TODAY.
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(7) APPEAL NO. 07-041

STEVE WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	1 Belgrave Avenue. Protesting the issuance on March 20, 2007, to Andrew Gross, Site Permit to Alter a Building (on single-family house: one bedroom, one bath horizontal addition to lower level; horizontal addition to upper level living/dining area; master bath and closet remodel; laundry room remodel; interior stair remodel). APPLICATION NO. 2005/07/07/7059S. FOR HEARING TODAY.
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(8) APPEAL NO. 07-042

JOSEPH CAMHI, ROBERT TRACY, & CARRIE HOLDER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: LEO PORTAL	3816 – 21 st Street. Appealing a determination dated March 26, 2007, addressed to Elva Harding at Zacks Utrecht & Leadbetter LLP, regarding whether the neighborhood notification for the project at the subject property complies with the procedures outlined in Planning Code § 311. FOR HEARING TODAY.
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(9) APPEAL NO. 07-045

GRETCHEN RISKIND, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	127-129 – 27 th Street. Appealing the denial on April 13, 2007, of Permit to Alter a Building (on two-unit building: create dormer for unit 127 to provide required headroom at stairs to 2 nd level; comply with 3R-4231 for condominium conversion). APPLICATION NO. 2007/01/18/1967. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 7, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruhl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 13, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, office of the City Attorney(OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection(DBI); Tina Tam, Senior Planner, Planning Department(PD); Carla Short, Department of Public Works/Bureau of Urban Forestry(DPW/BUF); Robert Feldman, Executive Secretary, Victor Pacheco, Legal Assistant; and Manuel Payes, Clerk Typist; Virginia O' Rear, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

DOCUMENTS DEPT.

SPEAKERS: None.

MAR 28 2008

(3) ADDENDUM ITEMS:

SAN FRANCISCO
PUBLIC LIBRARY

(3a) ADOPTION OF FINDINGS:

Subject property at 2251 Chestnut Street. Appeal No. 07-031, Jace Architecture vs. DPW BUE, decided May 16, 2007. At that time, upon motion by Commissioner Albright, the Board voted 5-0 to overrule the denial, and grant the tree removal permit on condition a) that the permit holder plant three (3) trees of a twenty-four (24) inch box size on Chestnut Street, b) that the permit holder pay for maintenance of these trees for six (6) months, and c) that the permit holder ensure regular maintenance of these trees for three (3) years, with findings to be adopted at a later date.

ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to adopt the findings as amended by the Office of the City Attorney (OCA).

SPEAKERS: None.

PUBLIC COMMENT: None

(3b) REHEARING REQUEST:

Subject property at 1598 McAllister Street. Letter from Wayne Jones, agent for Suheil Salfiti, appellant, requesting rehearing of Appeal 07-019, Salfiti vs. DPW BUF, decided on May 16, 2007. At that time, upon motion by President Knox, the Board voted 4-1 (Commissioner Fung dissented) to uphold the denial of the subject permit (remove and replace one (1) tree); Order No. 176, 673.

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to grant the rehearing request and to set the rehearing for 07/11/07.

SPEAKERS: Walker Jones, Agent for Appellant; Carla Short, DPW/BUF.

PUBLIC COMMENT: None.

(3c) REHEARING REQUEST:

Subject property at 180 Corwin Street. Letter from Eric Hansen, agent for Roger Tellis, appellant, requesting rehearing of Appeal V06-177, Tellis vs. ZA, decided on May 16, 2007. At that time, upon motion by President Knox, the Board voted 3-2 (Vice President Garcia & Commissioner Albright dissented) to uphold the denial of the subject variance. Project: proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building; Variance Case No. 2006.0878V.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to grant the rehearing request and to set the rehearing for 7/11/07.

SPEAKERS: Roger Tellis, Appellant; Tina Tam, PD.

PUBLIC COMMENT: None.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2576-2580 Washington Street. Permit issued on April 23, 2007. Last day to appeal was May 8, 2007. Jurisdiction request received May 14, 2007. Letter from David Ruth, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/05/8119. Permit Holder: Jean Seto. Project: on 12-unit apartment building, units 4, 5, & 6 in building 2576; sections of wall and ceiling to be opened for electrical upgrade; plumbing work as needed; replace light fixtures; repair lath and plaster. Note: Appeal 07-066, same subject property and same permit, was filed on May 7, 2007 by another tenant, Giuliana Rende; this appeal is scheduled for hearing on August 1, 2007. **Public hearing held & closed on June 6, 2007. For further consideration today. Matter continued to allow time for parties to reach a settlement.**

ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to reschedule the matter to 6/20/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07-009

CITY LIGHTS PARTNERSHIP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2130 Leavenworth Street #9. Appealing a Notice of Violation dated January 17, 2007, addressed to Tom Zimmerman and City Lights Partnership c/o Shirley Ann Walker, that the subject property is being operated in a manner consistent with that of a hotel, in violation of Planning Code § 209.2(d). PUBLIC HEARING HELD & CLOSED ON MARCH 21, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to negotiate the sound transmission issue.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to continue the matter to 9/12/07.

SPEAKERS: Andrew August, Attorney for Appellant; Edward Hartley, Attorney for neighbor.

PUBLIC COMMENT: None.

Angela Boydston described her problem with the noise and urged the Board to uphold the ZA's decision.

(5) APPEAL NO. 07-044

GOGNA PROPERTIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	640 Turk Street. Appealing the denial on March 30, 2007, of Permit to Remove and Replace Three (3) Trees. ORDER NO. 176,489. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to uphold the denial.

SPEAKERS: Carla Short, DPW/BUF; Daniel Piccinini, Attorney for Appellant.

PUBLIC COMMENT: None.

(6) APPEAL NO. 07-046

MEETING MINUTES - WEDNESDAY, JUNE 13, 2007 - PAGE 4

THOMAS KOLONUSZ-PARTEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	95 Ora Way F301. Appealing the imposition of penalty on April 13, 2007, for work done without a permit (on 30-unit condominium building: comply with NOV No. 200685933; legalize existing stairs). APPLICATION NO. 2007/04/13/8739. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 - 0 to reduce the penalty to two times the regular fee.

SPEAKERS: None (DBI consented to reduction).

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-041

STEVE WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	1 Belgrave Avenue. Protesting the issuance on March 20, 2007, to Andrew Gross, Site Permit to Alter a Building (on single-family house: one bedroom, one bath horizontal addition to lower level; horizontal addition to upper level living/dining area; master bath and closet remodel; laundry room remodel; interior stair remodel). APPLICATION NO. 2005/07/07/7059S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 1(Commissioner Haaland dissented) to uphold the permit.

SPEAKERS: Stephen Williams, Appellant; Paul Rotter, Agent for Appellant; Richard Carrington, Attorney for Permit Holder; Lindy Small, Agent for Permit Holder; Tina Tam, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: Denise Lapins spoke in favor of the appellant.

(8) APPEAL NO. 07-042

JOSEPH CAMHI, ROBERT TRACY, & CARRIE HOLDER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: LEO PORTAL	3816 – 21 st Street. Appealing a determination dated March 26, 2007, addressed to Elva Harding at Zacks Utrecht & Leadbetter LLP, regarding whether the neighborhood notification for the project at the subject property complies with the procedures outlined in Planning Code § 311. FOR HEARING TODAY.
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MEETING MINUTES - WEDNESDAY, JUNE 13, 2007 - PAGE 5

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 50 uphold the ZA Letter of Determination.

SPEAKERS: Tina Tam, PD; Elva Harding, Attorney for Appellants; Leo Portal, Subject Property Owner.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-045

GRETCHEN RISKIND, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	127-129 – 27 th Street. Appealing the denial on April 13, 2007, of Permit to Alter a Building (on two-unit building: create dormer for unit 127 to provide required headroom at stairs to 2 nd level; comply with 3R-4231 for condominium conversion). APPLICATION NO. 2007/01/18/1967. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to overrule the denial and to grant the permit with a finding that the attic space is non-habitable and with the following conditions: a) that dormer and structural work be eliminated from permit scope; b) that a lockable door be constructed at the top of the stairs that lead to the attic space; and c) that all future plans and documents indicate that this attic space is non-habitable.

SPEAKERS: Laurence Kornfield, DBI; Henry Karnilowicz, Agent for Appellant.

PUBLIC COMMENT: Bob Noelke said conditions in the house were typical of older houses from his experience as a housing inspector.

ADJOURNMENT.

There being no further business, President Knox adjourned the meeting at 8:55 p.m.

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 20, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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2
120/07
(2) COMMISSIONERS COMMENTS & QUESTIONS:

11:10 a.m. mst
DOCUMENTS DEPT.

JUN 20 2007

(3) ADDENDUM ITEMS:

SAN FRANCISCO
PUBLIC LIBRARY

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

(3b) ADOPTION OF FINDINGS:

Subject property at 850 Greenwich Street. Appeal No. 07-012, Elston vs. ZA, decided May 16, 2007. At that time, upon motion by Commissioner Haaland, the Board voted 4-1 (Commissioner Albright dissented) to overrule the Zoning Administrator's Letter of Determination (regarding the commercial use of the ground floor at the subject property), with findings to be adopted on June 20, 2007.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on February 1, 2007. Last day to appeal was February 16, 2007. Jurisdiction request received May 4, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2004/06/15/6478S. Permit Holder: James Chan. Project: horizontal and vertical addition while adding 2nd dwelling unit.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on March 14, 2007. Last day to appeal was March 29, 2007. Jurisdiction request received June 7, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/03/14/6243. Permit Holder: James Chan. Project: revise egress stairs at rear per plans under BPA No. 2004/06/15/6478S.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2576-2580 Washington Street. Permit issued on April 23, 2007. Last day to appeal was May 8, 2007. Jurisdiction request received May 14, 2007. Letter from David Ruth, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/05/8119. Permit Holder: Jean Seto. Project: on 12-unit apartment building, units 4, 5, & 6 in building 2576; sections of wall and ceiling to be opened for electrical upgrade; plumbing work as needed; replace light fixtures; repair lath and plaster. Note: Appeal 07-066, same subject property and same permit, was filed on May 7, 2007 by another tenant, Giuliana Rende; this appeal is scheduled for hearing on August 1, 2007. **Public hearing held & closed on June 6, 2007. For further consideration today. Matter continued to allow time for parties to reach a settlement.**

(4) APPEAL NO. 07-018

JOHN & PAM FLANAGAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1689 Sutter Street. Appealing the denial on February 9, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,676. FOR HEARING TODAY.
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(5) APPEAL NO. 07-035

STEPHEN HAIGH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1245 Masonic Avenue. Appealing the denial on March 9, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,729. FOR HEARING TODAY.
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(6) APPEAL NO. 07-037

THOMAS AGEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Brotherhood Way, from Chumasero Drive to Lake Merced Boulevard. Protesting the issuance on March 7, 2007, of Permit to Remove Twelve (12) Trees. ORDER NO. 176,737. FOR HEARING TODAY.
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ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 07-049

TOM & BARBARA LATOUR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	30-32 Castle Street. Protesting the issuance on April 11, 2007, to Judith Cohen, Sidewalk Landscaping Permit. FOR HEARING TODAY.
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(7B) APPEAL NO. 07-050

TOM & BARBARA LATOUR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	34-36 Castle Street. Protesting the issuance on April 11, 2007, to Madelyn Chatton, Sidewalk Landscaping Permit. FOR HEARING TODAY.
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(8) APPEAL NO. 07-020

STEPHEN WILLIAMS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: FRED KARPIK	2026 Lombard Street. Protesting a determination dated February 8, 2007, addressed to Principal Engineer Hansom Tom at the Dept. of Building Inspection, regarding clarification of Condition No. 7 of Board of Supervisor's Motion No. M03-179 (approval of hotel project at subject property). FOR HEARING TODAY.
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(9) APPEAL NO. 07-047

KEN HERRERA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	213-215 Noe Street. Protesting the issuance on December 5, 2006, to Jesus Marez & Daniel McLean, Permit to Alter a Building (on two-unit building: renew BPA No. 2006/06/05/3197 to complete and continue work [tenant to be vacated from 215A illegal unit; upgraded partitions to 1 hour; remove stove; legalize bathroom and storage rooms]). APPLICATION NO. 2006/12/05/9168. JURISDICTION GRANTED APRIL 4, 2007. FOR HEARING TODAY.
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(10) APPEAL NO. 07-048

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44 th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 14, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 20, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner, Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Carla Short, Department of Public Works/Bureau of Urban Forestry (DPW/BUF); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typists; Virginia O'Rear, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

DOCUMENTS DEPT.

(3) ADDENDUM ITEMS:

APR - 3 2008

SAN FRANCISCO
PUBLIC LIBRARY

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to reschedule the matter to 09/19/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) ADOPTION OF FINDINGS:

Subject property at 850 Greenwich Street. Appeal No. 07-012, Elston vs. ZA, decided May 16, 2007. At that time, upon motion by Commissioner Haaland, the Board voted 4-1 (Commissioner Albright dissented) to overrule the Zoning Administrator's Letter of Determination (regarding the commercial use of the ground floor at the subject property), with findings to be adopted on June 20, 2007.

ACTION: Upon motion by Commissioner Haaland, the Board voted 4 -1(Commissioner Albright dissented) to adopt the Office of the City Attorney's findings as amended.

SPEAKERS: Brett Gladstone, Attorney for Appellant; Scott Sanchez, PD.

PUBLIC COMMENT: Bill Getz reviewed the proposed findings and restated his opposition to the appeal.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on February 1, 2007. Last day to appeal was February 16, 2007. Jurisdiction request received May 4, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2004/06/15/6478S. Permit Holder: James Chan. Project: horizontal and vertical addition while adding 2nd dwelling unit.

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to reschedule the matter to 9/19/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on March 14, 2007. Last day to appeal was March 29, 2007. Jurisdiction request received June 7, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/03/14/6243. Permit Holder: James Chan. Project: revise egress stairs at rear per plans under BPA No. 2004/06/15/6478S.

MEETING MINUTES - WEDNESDAY, JUNE 20, 2007 - PAGE 3

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to reschedule the matter to 9/19/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2576-2580 Washington Street. Permit issued on April 23, 2007. Last day to appeal was May 8, 2007. Jurisdiction request received May 14, 2007. Letter from David Ruth, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/05/8119. Permit Holder: Jean Seto. Project: on 12-unit apartment building, units 4, 5, & 6 in building 2576; sections of wall and ceiling to be opened for electrical upgrade; plumbing work as needed; replace light fixtures; repair lath and plaster. Note: Appeal 07-066, same subject property and same permit, was filed on May 7, 2007 by another tenant, Giuliana Rende; this appeal is scheduled for hearing on August 1, 2007. **Public hearing held & closed on June 6, 2007. For further consideration today. Matter continued to allow time for parties to reach a settlement.**

ACTION: Withdrawn.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07-018

JOHN & PAM FLANAGAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1689 Sutter Street. Appealing the denial on February 9, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,676. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to uphold the denial.

SPEAKERS: Carla Short, DPW/BUF; Appellants did not appear.

PUBLIC COMMENT: None.

(5) APPEAL NO. 07-035

STEPHEN HAIGH, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1245 Masonic Avenue. Appealing the denial on March 9, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,729. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 1(Commissioner Haaland dissented) to overrule the denial and grant the permit on condition that two (2) replacement trees of a 48 inch box size be planted, and with the species type to be approved by the DPW/BUF.

SPEAKERS: Carla Short, DPW/BUF; Stephen Haigh, Appellant; Roy Leggitt, Agent for Appellant; David Grassi, Agent for Appellant.

PUBLIC COMMENT: Gabriel Berns, Amy Minasian, Paul Minasian, and Carolyn Blair spoke in favor of the Department of Public Works/Bureau of Urban Forest's decision.

(6) APPEAL NO. 07-037

THOMAS AGEE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	Brotherhood Way, from Chumasero Drive to Lake Merced Boulevard. Protesting the issuance on March 7, 2007, of Permit to Remove Twelve (12) Trees. ORDER NO. 176,737. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to uphold the permit on condition that three additional trees of a 24 inch box size be planted, with the species and planting location to be determined by the DPW/BUF.

SPEAKER: Carla Short, DPW/BUF; Appellant did not appear.

PUBLIC COMMENT: None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 07-049

TOM & BARBARA LATOUR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	30-32 Castle Street. Protesting the issuance on April 11, 2007, to Judith Cohen, Sidewalk Landscaping Permit. FOR HEARING TODAY.
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(7B) APPEAL NO. 07-050

TOM & BARBARA LATOUR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	34-36 Castle Street. Protesting the issuance on April 11, 2007, to Madelyn Chatton, Sidewalk Landscaping Permit. FOR HEARING TODAY.
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MEETING MINUTES - WEDNESDAY, JUNE 20, 2007 - PAGE 5

ACTION: Upon motion by Commissioner Albright, the Board voted 5 - 0 to continue both matters to July 18, 2007 with the Public Hearing closed and for parties to try to reach a settlement.

SPEAKERS: David Cincotta, Attorney for Appellant; Barbara Latour, Co -Appellant; David Stein, Attorney for Permit Holders; Carla Short, DPW/BUF; Judith Cohen, Permit Holder.

PUBLIC COMMENT: Lori Viti spoke in support for the Appellants.

Phil Cosinneau spoke in support for the Appellants.

James Devereaux spoke in favor of the Appellants.

Mary O'hara Devereaux spoke in support for the Appellants.

Michael Bennett spoke in favor of the Appellants.

(8) APPEAL NO. 07-020

STEPHEN WILLIAMS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: FRED KARPIK	2026 Lombard Street. Protesting a determination dated February 8, 2007, addressed to Principal Engineer Hansom Tom at the Dept. of Building Inspection, regarding clarification of Condition No. 7 of Board of Supervisor's Motion No. M03-179 (approval of hotel project at subject property). FOR HEARING TODAY.
--	--

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to reschedule the matter to 9/19/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-047

KEN HERRERA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	213-215 Noe Street. Protesting the issuance on December 5, 2006, to Jesus Marez & Daniel McLean, Permit to Alter a Building (on two-unit building: renew BPA No. 2006/06/05/3197 to complete and continue work [tenant to be vacated from 215A illegal unit; upgraded partitions to 1 hour; remove stove; legalize bathroom and storage rooms]). APPLICATION NO. 2006/12/05/9168. JURISDICTION GRANTED APRIL 4, 2007. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to continue the matter to Call of the Chair with the Public Hearing closed, in order to prevent the displacement of current tenant/appellant.

SPEAKERS: Laurence Kornfield, DBI; Amanda Ebbey, Attorney for Appellant; Michel Hall, Attorney for Permit Holders.

PUBLIC COMMENT: None.

(10) APPEAL NO. 07-048

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44 th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to continue the matter to 7/18/07 with the Public Hearing closed, and for Appellant to seek a settlement with adjacent neighbors and to submit revised plans, and for the Planning Department to review the matter

SPEAKERS: Laurence Kornfield, DBI; Brett Gladstone, Attorney for Appellant; Pat Buscovich, Agent for Appellant.

PUBLIC COMMENT: Rosa Dettlig spoke in favor for appellant.

Helen Tam spoke in favor of the DBI decision.

Cerise Cheng spoke in favor of the DBI decision.

ADJOURNMENT.

There being no further Business, President Knox adjourned the meeting at 9:30 p.m.

Transcripts of these hearing can be obtained from Easteller Bruihl, the Official Court Reporter.

Board of Appeals

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June 27, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for June 27, 2007 or July 4, 2007. The next regular meeting is scheduled for **Wednesday, July 11, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **June 21, 2007**

GOVERNMENT
DOCUMENTS DEPT

AUG 27 2009

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 11, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

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(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at Market Octavia Neighborhood Commercial Transit District. Zoning Administrator Letter of Determination issued on February 27, 2007. Last day to appeal was March 14, 2007. Jurisdiction request received June 8, 2007. Letter from Judith Berkowitz, agent for Coalition for San Francisco Neighborhoods, requestor, asking that the Board take jurisdiction over a Letter of Determination addressed to the Planning Commission, regarding various issues under the Market Octavia Plan and the newly created Neighborhood Commercial Transit (NC-T) District.

(3b) ADOPTION OF FINDINGS:

Subject property at 1245 Masonic Avenue. Appeal No. 07-035, Haigh vs. DPW BUF, decided June 20, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule the denial, and grant the tree removal permit with the following condition: a) that two – 48 inch box replacement trees be planted, and with the species type to be approved by the DPW BUF.

(3c) REHEARING REQUEST:

Subject property at 1 Belgrave Avenue. Appeal No. 07-041, Williams vs. DBI, PDA, decided June 13, 2007. At that time, upon motion by Commissioner Fung, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Project: on single-family house; one bedroom, one bath horizontal addition to lower level; horizontal addition to upper level living/dining area; master bath and closet remodel; laundry room remodel; interior stair remodel; BPA No. 2005/07/07/7059S.

(4) APPEAL NO. 07-019

SUHEIL SALFITI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1598 McAllister Street. Appealing the denial on February 9, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176, 673. FOR REHEARING TODAY. Note: On May 16, 2007 the Board voted 4-1 (Commissioner Fung dissented) to uphold the denial of the subject permit. On June 13, 2007, the Board voted 5-0 to grant the appellant's rehearing request, and to schedule the rehearing for July 11, 2007.
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(5) APPEAL NO. 07-034

FAISAL SALBI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	723 – 38 th Avenue. Appealing the denial on March 7, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,734. PUBLIC HEARING HELD & CLOSED ON MAY 16, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to research alternative options, and with a report by the DPW BUF regarding various issues raised by the Board.
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(6) APPEAL NO. V06-177

ROGER TELLIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	180 Corwin Street. Appealing the denial on November 1, 2006, of Parking Variance (proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building). VARIANCE CASE NO. 2006.0878V. FOR REHEARING TODAY. Note: On May 16, 2007 the Board voted 3-2 (Vice President Garcia & Commissioner Albright dissented) to uphold the denial of the subject variance. On June 13, 2007, the Board voted 5-0 to grant the appellant's rehearing request, and to schedule the rehearing for July 11, 2007.
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(7) APPEAL NO. 07-021

CLARA LUSARDI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2164 – 15 th Street. Protesting the issuance on February 27, 2007, to Mikel Jaye, Site Permit to Alter a Building (on 2-unit building: addition at garage level; new stair up from garage to 1 st floor; roof deck over addition at garage; new back stair rebuild to 2 nd floor from 1 st floor, and from 1 st floor to rear yard). APPLICATION NO. 2005/07/20/8161S. PUBLIC HEARING HELD & CLOSED ON MAY 2, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued pending final result of arbitration proceedings.
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(8) APPEAL NO. 07-036

MARIA ELENA & PATRICK HANLEY, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	373 Castenada Avenue. Appealing the denial on March 7, 2007, of Permit to Remove and Replace Three (3) Trees. ORDER NO. 176,736. FOR HEARING TODAY.
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(9) APPEAL NO. 07-054

HELEN MENKO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2533 – 24 th Avenue. Appealing the imposition of penalty on April 20, 2007, for work done without a permit (on single-family house: abate non-conforming conditions on ground floor consisting of removal of 2 nd kitchen and conversion to laundry room; and document existing vinyl windows on main floor, vinyl siding on south side, kitchen and bath cosmetic finishes and fixtures, and remodel on main floor). APPLICATION NO. 2007/04/06/8185. FOR HEARING TODAY.
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(10) APPEAL NO. V07-008

PINE STREET HOLDINGS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2255-2257 Pine Street. Appealing the conditions placed on Minimum Lot Area, Rear Yard, and Off-Street Parking Variances (subdivide an existing through lot of approximately 3,188sf in area into two separate lots). VARIANCE CASE NO. 2005.1128V. FOR HEARING TODAY.
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(11) APPEAL NO. 07-017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27 th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3 rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO. 2005/10/14/5610S. FOR HEARING TODAY. Note: Matter continued from May 16, 2007 pending resolution of CEQA appeal at the Board of Supervisors.
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(12) APPEAL NO. 07-051

CHONG LOW, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	886-890 Lombard Street. Appealing a Stop Work Order Request dated April 5, 2007, addressed to Isam Hasenin, Director of the Dept. of Building Inspection, asking that Building Permit Application No. 2006/10/23/5704 be suspended because the project (reconstruction of exterior stair at rear) requires neighborhood notification and possibly a variance. FOR HEARING TODAY.
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(13) APPEAL NO. 07-052

JAZZIE COLLINS, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder(s): TENTH & MARKET LLC	1407-1435 Market Street. Protesting the adoption of findings on April 5, 2007, related to the approval of a Planning Code § 309 determination of compliance and request for exceptions for the construction of a residential project containing approximately 719 dwelling units, approximately 19,000sf of retail space, and a garage with a capacity of up to 593 parking spaces. MOTION NO. 17414. FOR HEARING TODAY.
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(14) APPEAL NO. 07-053

JOHN HEDGES & JUDY HUBBELL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	143 Park Street. Protesting the issuance on April 5, 2007, to Dan Irish, Permit to Alter a Building (on single-family house: non-structural build-out of conditioned space in an existing non-conditioned space {garage level}; in kind replacement of front stairs and garage door; extension of deck at side). APPLICATION NO. 2007/04/05/8159. FOR HEARING TODAY.
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(15) APPEAL NO. V07-055

ANDREA HUGINNIE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3732-3734 – 20 th Street. Protesting the granting on April 13, 2007, to William New Jr. & Carolyn Koer Schen, Rear Yard Variance (raise building 2 feet 5 inches in order to accommodate addition of garage at the front of building, and to add a two-story rear deck at the rear of building). VARIANCE CASE NO. 2006.1508V. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 5, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 11, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT
PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosh, Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Carla Short, Department of Public Works/Bureau of Urban Forestry (DPW/BUF); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; and Manuel Payes, Clerk Typist; Virginia O'Rear, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of

interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

PEAKERS: None.

(3) **ADDENDUM ITEMS:**

(3a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at Market Octavia Neighborhood Commercial Transit District.
Zoning Administrator Letter of Determination issued on February 27, 2007. Last day to appeal was March 14, 2007. Jurisdiction request received June 8, 2007. Letter from Judith Berkowitz, agent for Coalition for San Francisco Neighborhoods, requestor, asking that the Board take jurisdiction over a Letter of Determination addressed to the Planning Commission, regarding various issues under the Market Octavia Plan and the newly created Neighborhood Commercial Transit (NC-T) District.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 1 (Commissioner Haaland dissented) to deny the Jurisdiction Request.

SPEAKERS: Marilyn Amini, Agent for the Requestor; Tina Tam, for PD.

PUBLIC COMMENT: Hiroshi Fukuda, Judith Berkowitz, Ellen Kernaghan, Don Datil, and Penelope Clark spoke in favor of the requestor.

(3b) ADOPTION OF FINDINGS:

Subject property at 1245 Masonic Avenue. Appeal No. 07-035, Haigh vs. DPW BUF, decided June 20, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule the denial, and grant the tree removal permit with the following condition: a) that two – 48 inch box replacement trees be planted, and with the species type to be approved by the DPW BUF.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 -1 (Commissioner Haaland dissented) to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: Gabriel Berns and Paul Minasian spoke in favor of DPW/BUF.

(3c) REHEARING REQUEST:

Subject property at 1 Belgrave Avenue. Appeal No. 07-041, Williams vs. DBI, PDA, decided June 13, 2007. At that time, upon motion by Commissioner Fung, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Project: on single-family house; one bedroom, one bath horizontal addition to lower level; horizontal addition to upper level living/dining area; master bath and closet remodel; laundry room remodel; interior stair remodel; BPA No. 2005/07/07/7059S.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 1 (Commissioner Haaland dissented) to deny the Request for Rehearing.

SPEAKERS: Stephen William, Attorney for Appellant/Requestor; Richard Carrington, Attorney for Permit Holder.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07- 019

SUHEIL SALFITI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1598 McAllister Street. Appealing the denial on February 9, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176, 673. FOR REHEARING TODAY. Note: On May 16, 2007 the Board voted 4-1 (Commissioner Fung dissented) to uphold the denial of the subject permit. On June 13, 2007, the Board voted 5-0 to grant the appellant's rehearing request, and to schedule the rehearing for July 11, 2007.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the denial.

SPEAKERS: Wayne Jones, Agent for Appellant; Carla Short, DPW/BUF.

PUBLIC COMMENT: Mark Topetcher spoke in favor of Appellant.

(5) APPEAL NO. 07-034

FAISAL SALBI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	723 – 38th Avenue. Appealing the denial on March 7, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,734. PUBLIC HEARING HELD & CLOSED ON MAY 16, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to research alternative
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options, and with a report by the DPW BUF regarding various issues raised by the Board.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 -1 (President Knox dissented) to overrule the denial and to grant the permit with the following conditions: that the replace tree be a 24 inch box size, that the DPW/BUF approve the species of replacement tree, and that the Appellant pay the in-lieu fee as determined by the DPW/BUF.

SPEAKERS: Carla Short, DPW/BUF; Faisal Salbi, Appellant; Marie Conroy –Salbi, wife of Appellant.

PUBLIC COMMENT: None.

(6) APPEAL NO. V06-177

ROGER TELLIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	180 Corwin Street. Appealing the denial on November 1, 2006, of Parking Variance (proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building). VARIANCE CASE NO. 2006.0878V. FOR REHEARING TODAY. Note: On May 16, 2007 the Board voted 3-2 (Vice President Garcia & Commissioner Albright dissented) to uphold the denial of the subject variance. On June 13, 2007, the Board voted 5-0 to grant the appellant's rehearing request, and to schedule the rehearing for July 11, 2007.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to overrule the denial and to grant the variance with the following condition: that an in-lieu fee of

\$100,000 be paid by the Appellant to the Mayor's Office of Housing and with findings to be adopted at a later date.

SPEAKERS: Tina Tam, PD; Roger Tellis, Appellant.

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-021

CLARA LUSARDI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2164 – 15 th Street. Protesting the issuance on February 27, 2007, to Mikel Jaye, Site Permit to Alter a Building (on 2-unit building: addition at garage level; new stair up from garage to 1 st floor; roof deck over addition at garage; new back stair rebuild to 2 nd floor from 1 st floor, and from 1 st floor to rear yard). APPLICATION NO. 2005/07/20/8161S. PUBLIC HEARING HELD & CLOSED ON MAY 2, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued pending final result of arbitration proceedings.
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ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to reschedule the matter to 12/5/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 07 - 036

MARIA ELENA & PATRICK HANLEY, Appellant(s)	373 Castenada Avenue. Appealing the denial on March 7, 2007,
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vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	of Permit to Remove and Replace Three (3) Trees. ORDER NO. 176,736. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 1 (Commissioner Fung dissented) to uphold the denial on condition that the DPW/BUF monitor the trees annually, to alternate with the annual monitoring by the Forest Hills Association.

SPEAKERS: Carla Short, DPW/BUF; Maria Elena Hanley, Co – Appellant; Bridgette Hanley, daughter of Appellants; Lucy Mejia, Attorney for Appellants.

PUBLIC COMMENT: Michael Bolechowski, Anna Bolechowski, Rike Grasshoff, Peter Gochis, and Harold Wright spoke in favor of DPW/BUF.

Margaret Miller spoke in favor of appellants, and Dan Kelly spoke read a letter from the Forest Hill Association which takes no position on this appeal.

APPEAL NO. 07-054

HELEN MENKO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2533 – 24th Avenue. Appealing the imposition of penalty on April 20, 2007, for work done without a permit (on single-family house: abate non-conforming conditions on ground floor consisting of removal of 2nd kitchen and conversion to laundry room; and document existing vinyl windows on main floor, vinyl siding on south side, kitchen and bath cosmetic finishes and fixtures, and remodel on main floor). APPLICATION NO. 2007/04/06/8185. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to reduce the penalty to two times the regular fee.

SPEAKERS: Spence Gosh, DBI; Mark Topetcher, Agent for Appellant.

PUBLIC COMMENT: None.

(10) APPEAL NO. V07-008

PINE STREET HOLDINGS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2255-2257 Pine Street. Appealing the conditions placed on Minimum Lot Area, Rear Yard, and Off-Street Parking Variances (subdivide an existing through lot of approximately 3,188sf in area into two separate lots). VARIANCE CASE NO. 2005.1128V. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to reschedule the matter to Call of the Chair to await further decisions by the Planning Department.

SPEAKERS: None.

PUBLIC COMMENT: None.

(11) APPEAL NO. 07-017

PERRY CHIA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2462 – 27th Avenue. Protesting the issuance on January 31, 2007, to Peter & Delly Wong, Site Permit to Alter a Building (on single-family house: add 3rd floor with 3 rooms and 2 bathrooms, new dining room, kitchen and exercise room; miscellaneous interior remodeling). APPLICATION NO.2005/10/14/5610S. FOR HEARING TODAY. Note: Matter continued from May 16, 2007 pending resolution of CEQA appeal at the Board of Supervisors.
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ACTION: Upon motion by President Knox, the Board voted 5 - 0 to reschedule the matter to Call of the Chair pending further environmental review by the Planning Department since the Board of Supervisors disapproved the categorical exemption under CEQA.

SPEAKERS: Stephen Williams, Attorney for Appellant; Tina Tam, PD;

PUBLIC COMMENT: None.

(12) APPEAL NO. 07-051

CHONG LOW, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	886-890 Lombard Street. Appealing a Stop Work Order Request dated April 5, 2007, addressed to Isam Hasenin, Director of the Dept. of Building Inspection, asking that Building Permit Application No. 2006/10/23/5704 be suspended because the project (reconstruction of exterior stair at rear) requires neighborhood notification and possibly a variance. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to continue the matter to 8/29/07 with Appellant, neighbors and Planning Department to confer and attempt to reach a settlement.

SPEAKERS: Spencer Gosh, DBI; Tina Tam, PD; Chong Low, Appellant; Wilson Chan, Agent for Appellant;

PUBLIC COMMENT: Janet Crane, Sandy Miller, and Penelope Clark spoke in favor of ZA.

Nicholas Cheng and Raymond Jang spoke in favor of Appellant.

(13) APPEAL NO. 07-052

JAZZIE COLLINS, Appellant(s) vs.	1407-1435 Market Street. Protesting the adoption of findings on
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PLANNING COMMISSION, Respondent Motion Holder(s): TENTH & MARKET LLC	April 5, 2007, related to the approval of a Planning Code § 309 determination of compliance and request for exceptions for the construction of a residential project containing approximately 719 dwelling units, approximately 19,000sf of retail space, and a garage with a capacity of up to 593 parking spaces. MOTION NO. 17414. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 2 – 3 (Vice President Garcia, Commissioners Fung and Albright dissented) to reschedule the matter to 08/29/07. Motion failed.

ACTION: Afterwards Upon motion by Commissioner Fung, the Board voted 4 – 1 (Vice President Garcia dissented) to continue the matter to 8/29/07, and for the variance appeal to be heard on 8/29/07 as well.

SPEAKERS: Sue Hestor, Attorney for Appellant; Timothy Tosta, Attorney for Motion Holder; Craig Nikitas, PD; Jazzie Collins, Appellant.

PUBLIC COMMENT: Donald Falk spoke in favor of the Planning Commission.

(14) APPEAL NO. 07-053

JOHN HEDGES & JUDY HUBBELL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	143 Park Street. Protesting the issuance on April 5, 2007, to Dan Irish, Permit to Alter a Building (on single-family house: non-structural build-out of conditioned space in an existing non-conditioned space {garage level}; in kind replacement of front stairs and garage door; extension of deck at side). APPLICATION NO. 2007/04/05/8159. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to continue the matter to 10/24/07 to allow time for parties to pursue a settlement.

SPEAKERS: Jon Hedges, Co-appellant; Tina Tam, PD; Dan Irish, Permit Holder; Tom Biggs, Agent for Permit Holder.

PUBLIC COMMENT: None.

(15) APPEAL NO. V07-055

ANDREA HUGINNIE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3732-3734 – 20 th Street. Protesting the granting on April 13, 2007, to William New Jr. & Carolyn Koer Schen, Rear Yard Variance (raise building 2 feet 5 inches in order to accommodate addition of garage at the front of building, and to add a two-story rear deck at the rear of building). VARIANCE CASE NO. 2006.1508V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 1 (Commissioner Haaland dissented) to uphold the variance.

SPEAKERS: Yvette Huginnie, Appellant; John Pollard, Agent for Variance Holders; Spencer Gosh, DBI; Tina Tam, PD; Craig Nikitas, PD.

PUBLIC COMMENT: Deborah Cort and Accord Taylor – Revas spoke in support of Appellant.

There being no further business, President Knox adjourned the meeting at 1:10 A.M.

Transcripts of these hearings can be obtained from Easteller Bruihl, Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 18, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

DOCUMENTS DEPT.

JUL 19 2007

(3) ADDENDUM ITEMS: None.

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(4) APPEAL NO. 07-048

EDWARD IP, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent

834 – 44th Avenue.

Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property.

PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to seek a settlement with the adjacent neighbors, to submit revised plans, and for the Planning Department to review the matter.**

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 07-049**

TOM & BARBARA LATOUR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	30-32 Castle Street. Protesting the issuance on April 11, 2007, to Judith Cohen, Sidewalk Landscaping Permit. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow parties time to negotiate a settlement.
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(5B) **APPEAL NO. 07-050**

TOM & BARBARA LATOUR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	34-36 Castle Street. Protesting the issuance on April 11, 2007, to Madelyn Chatton, Sidewalk Landscaping Permit. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow parties time to negotiate a settlement.
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(6) **APPEAL NO. 07-063**

JUAN ESCOBAR dba "GE TOWING", Appellant(s) vs. POLICE DEPARTMENT, Respondent	No specific subject property. Appealing the revocation on April 19, 2007, of Tow Car Firm Permit (P51). FOR HEARING TODAY.
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(7) **APPEAL NO. 07-064**

RASHAD SGHAYER dba "FRED'S LIQUOR STORE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	300 Mason Street. Appealing a ten (10) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 18, 2007. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-07-091. FOR HEARING TODAY.
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(8) APPEAL NO. 07-097

PETER WITT, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the adoption of Public Convenience & Necessity Findings for the issuance of twenty-five (25) new alternative fuel or hybrid taxi permits, and twenty-five (25) new ramped taxi permits. RESOLUTION NO. 2007-20. FOR HEARING TODAY.
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(9) APPEAL NO. 07-058

ROY LAM dba "QUICKLY", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1050 Taraval Street. Appealing a Notice of Violation dated April 16, 2007, addressed to Sam Lai, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.4 & 711.44. FOR HEARING TODAY.
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(10) APPEAL NO. 07-059

ROY LAM dba "QUICKLY", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1039 Ocean Avenue. Appealing a Notice of Violation dated April 23, 2007, addressed to Rose Pakeman, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code § 711.44. FOR HEARING TODAY.
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(11) APPEAL NO. 07-061

GERRIE SCOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Brighton Avenue. Protesting the issuance on April 18, 2007, to Jose Luis Pereda, Permit to Alter a Building (on single-family house: legalize three existing room and bath; City records currently describe the building as one story @ 836sf over garage; building is currently 1,100sf of habitable space; 1,256sf on 2 nd floor, and a 357sf bedroom and bath facing the rear yard on ground floor; add one story per plans). APPLICATION NO. 2006/06/07/3368. FOR HEARING TODAY.
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(12) APPEAL NO. 07-062

GAETANO ZANELI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	60 Clarendon Avenue. Protesting the issuance on May 1, 2007, to Tom McGrath, Permit to Alter a Building (on single-family house: revision to BPA No. 2004/04/22/2053; change 10 piers to soldier piers). APPLICATION NO. 2007/05/01/0078. FOR HEARING TODAY.
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(13) APPEAL NO. 07-065

NICOLE HAGASHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	244 – 32 nd Avenue. Protesting the issuance on April 18, 2007, to Mary Jo Bowling & Michael Steder, Site Permit to Alter a Building (on single-family house: interior renovation involving new partitions, new bath, kitchen and bath remodel; 3 rd floor addition with roof deck over existing roof). APPLICATION NO. 2006/06/23/4870S. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 12, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

**BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO**
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 18, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Heidi Machen, Executive Director of the Taxi Commission (TC); Carla Short, Urban Forester, Department of Public Works/Bureau of Urban Forestry (DPW/BUF); Johnson Ojo, Principal Inspector, Department of Public Health (DPH); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist; and Virginia O'neal, Official Court Reporter.

ABSENT: Commissioner Katharine Albright.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:** None.

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MEETING MINUTES – WEDNESDAY, JULY 18, 2007 - PAGE 2

(4) APPEAL NO. 07-048

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44 th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to seek a settlement with the adjacent neighbors, to submit revised plans, and for the Planning Department to review the matter.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to continue the matter to 09/12/07 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 07-049

TOM & BARBARA LATOUR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	30-32 Castle Street. Protesting the issuance on April 11, 2007, to Judith Cohen, Sidewalk Landscaping Permit. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow parties time to negotiate a settlement.
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(5B) APPEAL NO. 07-050

TOM & BARBARA LATOUR, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	34-36 Castle Street. Protesting the issuance on April 11, 2007, to Madelyn Chatton, Sidewalk Landscaping Permit. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow parties time to negotiate a settlement.
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MEETING MINUTES – WEDNESDAY, JULY 18, 2007 - PAGE 3

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 -1 (Commissioner Albright absent) to uphold both permits on condition that both permits be restricted to the portion of the garden directly aligned with the gate, plus an additional six inches on either side of the gate, and that there be no obstructions that prevent the opening of said gate.

SPEAKERS: Carla Short, Urban Forester for DPW/BUF; David Cincotta, Attorney for Appellants; David Stein, Attorney for Permit Holders.

PUBLIC COMMENT: Mary O'Hara –Devereaux spoke in favor of the Appellants.

(6) APPEAL NO. 07-063

JUAN ESCOBAR dba "GE TOWING", Appellant(s) vs. POLICE DEPARTMENT, Respondent	No specific subject property. Appealing the revocation on April 19, 2007, of Tow Car Firm Permit (P51). FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 4 – 0 -1 (Commissioner Albright absent) to reschedule the matter to 9/19/07 and to request a written response and appearance from the SFPD.

SPEAKERS: Alejandra Arias, Agent for Appellant; SFPD did not appear.

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-064

RASHAD SGHAYER dba "FRED'S LIQUOR STORE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	300 Mason Street. Appealing a ten (10) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 18, 2007. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-07-091. FOR HEARING TODAY.
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ACTION: Withdrawn by Appellant via letter at the hearing.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES – WEDNESDAY, JULY 18, 2007 - PAGE 4

(8) APPEAL NO. 07-097

PETER WITT, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the adoption of Public Convenience & Necessity Findings for the issuance of twenty-five (25) new alternative fuel or hybrid taxi permits, and twenty-five (25) new ramped taxi permits. RESOLUTION NO. 2007-20. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to uphold the Public Convenience & Necessity Findings, with a finding that the public's convenience and necessity requires the issuance of said 50 medallions.

SPEAKERS: Peter Witt, Appellant; Heidi Machen, TC.

PUBLIC COMMENT: Alec Kaplan, Carol Osazio, Christopher Fulkerson, and Rua Graffis spoke in favor of the appellant; and Bruce Oka, Mark Gruberg, Joanna Frazuli, and Ken Stein spoke in favor of the Taxi Commission.

(9) APPEAL NO. 07-058

ROY LAM dba "QUICKLY", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1050 Taraval Street. Appealing a Notice of Violation dated April 16, 2007, addressed to Sam Lai, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.4 & 711.44. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to uphold the Notice of Violation.

SPEAKERS: Tina Tam, PD; Roy Lam, Appellant.

PUBLIC COMMENT: None.

(10) APPEAL NO. 07-059

ROY LAM dba "QUICKLY", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1039 Ocean Avenue. Appealing a Notice of Violation dated April 23, 2007, addressed to Rose Pakeman, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code § 711.44. FOR HEARING TODAY.
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ACTION: Upon motion by Commission Haaland, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to uphold the Notice of Violation.

SPEAKERS: Tina Tam, PD; Roy Lam, Appellant; Mildred Pakeman – Rose, Subject Property Owner.

PUBLIC COMMENT: None.

(11) APPEAL NO. 07-061

GERRIE SCOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Brighton Avenue. Protesting the issuance on April 18, 2007, to Jose Luis Pereda, Permit to Alter a Building (on single-family house: legalize three existing room and bath; City records currently describe the building as one story @ 836sf over garage; building is currently 1,100sf of habitable space; 1,256sf on 2 nd floor, and a 357sf bedroom and bath facing the rear yard on ground floor; add one story per plans). APPLICATION NO. 2006/06/07/3368. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Genrie Scott, Appellant; Jeff Gard, Agent for Permit Holder; Tina Tam, PD; Laurence Kornfield, DBI; Jose Luis Pereda, Permit Holder.

PUBLIC COMMENT: Loretta Spears – Bynes, Alex Picar, and Jerome Byner spoke in favor of the permit holder.

MEETING MINUTES – WEDNESDAY, JULY 18, 2007 - PAGE 6

(12) APPEAL NO. 07-062

GAETANO ZANELI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	60 Clarendon Avenue. Protesting the issuance on May 1, 2007, to Tom McGrath, Permit to Alter a Building (on single-family house: revision to BPA No. 2004/04/22/2053; change 10 piers to soldier piers). APPLICATION NO. 2007/05/01/0078. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Elva Harding, Attorney for Appellant; Pat Buscovich, Agent for Appellant; Andrew Junius, Attorney for Permit Holder; Mark Lonning, Agent for Permit Holder; Laurence Kornfield, DBI; Gaetano Zaneli, Appellant; Doug Spec, Agent for Permit Holder.

PUBLIC COMMENT: Gregory Clark spoke in favor of the permit holder.

(13) APPEAL NO. 07-065

NICOLE HAGASHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	244 – 32 nd Avenue. Protesting the issuance on April 18, 2007, to Mary Jo Bowling & Michael Steder, Site Permit to Alter a Building (on single-family house: interior renovation involving new partitions, new bath, kitchen and bath remodel; 3 rd floor addition with roof deck over existing roof). APPLICATION NO. 2006/06/23/4870S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 -1 (Commissioner Albright absent) to reschedule the matter to 08/1/2007 at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

There being no further business, President Knox adjourned the meeting at 9:05 p.m.

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter.

Board of Appeals

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July 25, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for July 25, 2007. The next regular meeting is scheduled for **Wednesday, August 1, 2007, City Hall, Room 416, 5:00 p.m., One Dr. Carlton B. Goodlett Place.**

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **July 20, 2007**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 1, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

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AUG - 2 2007

(3) ADDENDUM ITEMS:

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(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile - Omnipoint.

(3b) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

(3c) JURISDICTION REQUESTS TO ALLOW LATE FILING OF APPEALS:

Subject property at 145 Edinburgh Street. Permits issued on August 28, 2006, April 30, 2007, and June 1, 2007. Last day to appeal was September 12, 2006, May 15, 2007, and June 18, 2007, respectively. Jurisdiction requests received on July 5, and July 16, 2007. Letter from Claire Zvanski, co-requestor, asking that the Board take jurisdiction over Building Permit Application No. 2005/05/20/2973, Plumbing Permit No. PP2007/04/30/969 and Building Permit Application No. 2007/06/01/2698. Project, Aug. 2006 building permit: erect a new two-story single-family dwelling. Project, April 2007 plumbing permit: new house, four bathrooms, one kitchen, one bar sink; two sets washer/dryer; water, main gas line, floor drains, roof drains, and two furnaces. Project, June 2007 building permit: changes to 2nd floor; relocate master bedroom to family room; rearrange bedroom closet and exercise room; 1st floor family room to two bedrooms and media room.

(3d) ADOPTION OF FINDINGS:

Subject property at 180 Corwin Street. Appeal No. V06-177, Tellis vs. ZA, decided July 11, 2007 at a rehearing. At that time, upon motion by Vice President Garcia, the Board voted 5-0 to overrule the denial, and grant the variance, on condition that the appellant pay an in-lieu fee of \$100,000 (one-hundred thousand dollars) to the Mayor's Office of Housing, with findings to be adopted at a later date. Project: proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building; Variance Case No. 2006.0878V.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 943 Church Street. Partial suspension of permit effective on June 22, 2007. Last day to appeal was July 9, 2007. Jurisdiction request received on July 17, 2007. Letter from Kevin Cheng and Todd Mavis, requestors, asking that the Board take jurisdiction over the partial suspension of BPA No. 2005/06/14/5053 by the Dept. of Building Inspection at the request of the Zoning Administrator. Project: new vertical addition to single-family dwelling; create one new unit; and remodel unit.

(4) APPEAL NO. 06-202

JEFFREY KRAMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	591-599 Guerrero Street. Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment). APPLICATION NO. 2006/05/19/2075. FOR HEARING TODAY.
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(5) APPEAL NO. 07-070

KIM PHAT PHUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	777 Athens Street. Appealing the imposition of penalty on May 15, 2007, for plumbing work done without a permit. APPLICATION NO. PP2007/05/10/1377. FOR HEARING TODAY.
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(6) APPEAL NO. 07-099

NOEMI TABORA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	10 Cielito Drive. Appealing the imposition of penalty on June 19, 2007, for work done without a permit (on single-family house: replace windows; legalize guest room at ground floor; remodel bathroom; comply with NOV No. 200705101; install insulation and one-hour wall at garage). APPLICATION NO. 2007/06/18/4270. FOR HEARING TODAY.
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(7) APPEAL NO. 07-060

WILBUR WOO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2116 Irving Street. Appealing a Notice of Violation dated April 23, 2007, addressed to Wilbur Woo & Dolores Revo, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4. FOR HEARING TODAY.
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(8) APPEAL NO. 07-065

NICOLE HAGASHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	244 – 32 nd Avenue. Protesting the issuance on April 18, 2007, to Mary Jo Bowling & Michael Steder, Site Permit to Alter a Building (on single-family house: interior renovation involving new partitions, new bath, kitchen and bath remodel; 3 rd floor addition with roof deck over existing roof). APPLICATION NO. 2006/06/23/4870S. FOR HEARING TODAY.
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(9) APPEAL NO. 07-066

GIULIANA RENDE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2576-2580 Washington Street. Protesting the issuance on April 23, 2007, to Jean Seto, Permit to Alter a Building (on 12-unit apartment building: units 4, 5, & 6 in building 2576; sections of wall and ceiling to be opened for electrical upgrade; plumbing work as needed; replace light fixtures; repair lath and plaster). APPLICATION NO. 2007/04/05/8119. FOR HEARING TODAY.
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(10) APPEAL NO. 07-067

KAWBHC LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3099 – 22 nd Street. Appealing a Letter of Determination dated April 24, 2007, addressed to Kathleen Welch, regarding a Notice of Special Restrictions (NSR) for the proposed new construction at the subject property and those adjacent lots that were originally formed from lot 034A. FOR HEARING TODAY.
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(11) APPEAL NO. 07-068

WING TAN dba "QUICKLY", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	415 Castro Street. Appealing a Notice of Violation dated April 23, 2007, addressed to Haifa Khoury, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4. FOR HEARING TODAY.
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(12) APPEAL NO. 07-069

STELLA CHIU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	383 Crestlake Drive. Protesting the issuance on May 11, 2007, to Heddy & Monio Pilpel, Site Permit to Alter a Building (on single-family house: horizontal addition and some ground floor interior remodel to include family room, bedroom, bath, and laundry room). APPLICATION NO. 2006/07/20/7181S. FOR HEARING TODAY.
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(13) APPEAL NO. 07-080

JEFFREY SHOPOFF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3848 – 21 st Street. Protesting the issuance on May 15, 2007, to Eric & Linda Eislund, Site Permit to Alter a Building (on single family house: horizontal addition to ground and 2 nd floors; new cantilevered deck on 2 nd floor; vertical addition to rear of building for new attic space; all exterior alterations to rear of building). APPLICATION NO. 2006/09/01/1232S. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 26, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at soft@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 1, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, and Commissioner Robert Haaland.

ABSENT: Commissioner Katharine Albright.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist; Virginia O'Rear, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: David Pilpel requested that the Board complete its process of revising its rules beginning next year.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

DOCUMENTS DEPT.

NOV 20 2008

(3) ADDENDUM ITEMS:

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(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile - Omnipoint.

MEETING MINUTES – WEDNESDAY, AUGUST 1, 2007 - PAGE 2

ACTION: Upon motion by President Knox, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to reschedule the matter to 10/03/07 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

ACTION: Upon motion by President Knox, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to reschedule the matter to 10/03/07 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3c) JURISDICTION REQUESTS TO ALLOW LATE FILING OF APPEALS:

Subject property at 145 Edinburgh Street. Permits issued on August 28, 2006, April 30, 2007, and June 1, 2007. Last day to appeal was September 12, 2006, May 15, 2007, and June 18, 2007, respectively. Jurisdiction requests received on July 5, and July 16, 2007. Letter from Claire Zvanski, co-requestor, asking that the Board take jurisdiction over Building Permit Application No. 2005/05/20/2973, Plumbing Permit No. PP2007/04/30/969 and Building Permit Application No. 2007/06/01/2698. Project, Aug. 2006 building permit: erect a new two-story single-family dwelling. Project, April 2007 plumbing permit: new house, four bathrooms, one kitchen, one bar sink; two sets washer/dryer; water, main gas line, floor drains, roof drains, and two furnaces. Project, June 2007 building permit: changes to 2nd floor; relocate master bedroom to family room; rearrange bedroom closet and exercise room; 1st floor family room to two bedrooms and media room.

ACTION: Upon motion by President Knox, the Board voted 3 -1 – 1 (Commissioner Haaland dissented and Commissioner Albright absent) to deny the Jurisdiction Request.

SPEAKERS: Claire Zvanski, Co – requestor; Anita Seghetti, Co – requestor; Ahmad Larizadeh, agent for permit holder; Scott Sanchez, for PD; Laurence Kornfield, for DBI.

PUBLIC COMMENT: None.

(3d) ADOPTION OF FINDINGS:

Subject property at 180 Corwin Street. Appeal No. V06-177, Tellis vs. ZA, decided July 11, 2007 at a rehearing. At that time, upon motion by Vice President Garcia, the Board voted 5-0 to overrule the denial, and grant the variance, on condition that the appellant pay an in-lieu fee of \$100,000 (one-hundred thousand dollars) to the Mayor's Office of Housing, with findings to be adopted at a later date. Project: proposal is to allow 5 off-street parking spaces where 6 are required for a 6-unit residential building; Variance Case No. 2006.0878V.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to adopt the findings as amended.

SPEAKER: Eric Hansen, agent for appellant.

PUBLIC COMMENT: None.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 943 Church Street. Partial suspension of permit effective on June 22, 2007. Last day to appeal was July 9, 2007. Jurisdiction request received on July 17, 2007. Letter from Kevin Cheng and Todd Mavis, requestors, asking that the Board take jurisdiction over the partial suspension of BPA No. 2005/06/14/5053 by the Dept. of Building Inspection at the request of the Zoning Administrator. Project: new vertical addition to single-family dwelling; create one new unit; and remodel unit.

ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 1 – 1 (Commissioner Haaland dissented and Commissioner Albright absent) to grant the Jurisdiction Request. Motion failed for lack of four votes. Jurisdiction denied.

SPEAKERS: Todd Mavis, Co –requestor; Laurence Kornfield, for DBI; Scott Sanchez, PD.

PUBLIC COMMENT: Dan Orsine, Alec Bash, William Duke, Ralph Hofschildt and Justine Juson spoke in favor of the DBI.

(4) APPEAL NO. 06-202

JEFFREY KRAMER, Appellant(s)
vs.

DEPT. OF BUILDING INSPECTION, Respondent
PLANNING DEPT. APPROVAL

591-599 Guerrero Street.

Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment).

APPLICATION NO. 2006/05/19/2075.

FOR HEARING TODAY.

MEETING MINUTES – WEDNESDAY, AUGUST 1, 2007 - PAGE 4

ACTION: Upon motion by President Knox, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to reschedule the matter to 10/03/07 at the prior written request of the parties.

SPEAKER: None.

PUBLIC COMMENT: None.

(5) APPEAL NO. 07-070

KIM PHAT PHUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	777 Athens Street. Appealing the imposition of penalty on May 15, 2007, for plumbing work done without a permit. APPLICATION NO. PP2007/05/10/1377. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to reduce the penalty to two times the regular fee. DBI consents to a reduction, no testimony taken.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 07-099

NOEMI TABORA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	10 Cielito Drive. Appealing the imposition of penalty on June 19, 2007, for work done without a permit (on single-family house: replace windows; legalize guest room at ground floor; remodel bathroom; comply with NOV No. 200705101; install insulation and one-hour wall at garage). APPLICATION NO. 2007/06/18/4270. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to reduce the penalty to two times the regular fee. DBI consents to a reduction, no testimony taken.

SPEAKERS: None.

PUBLIC COMMENT: None

(7) APPEAL NO. 07-060

WILBUR WOO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2116 Irving Street. Appealing a Notice of Violation dated April 23, 2007, addressed to Wilbur Woo & Dolores Revo, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to uphold the Notice of Violation.

SPEAKERS: Wilber Woo, appellant; Scott Sanchez, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(8) APPEAL NO. 07-065

NICOLE HAGASHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	244 – 32 nd Avenue. Protesting the issuance on April 18, 2007, to Mary Jo Bowling & Michael Steder, Site Permit to Alter a Building (on single-family house: interior renovation involving new partitions, new bath, kitchen and bath remodel; 3 rd floor addition with roof deck over existing roof). APPLICATION NO. 2006/06/23/4870S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to uphold the permit on condition: a) that deck be pulled back three feet; b) that the slats on south side (of penthouse) be solid; and c) that the wall on east side (of penthouse) be solid to a height of thirty-six inches.

SPEAKERS: Nicole Hagashi, appellant; Taisuke Ikegami, agent for permit holder; Sack Steder, co - permit holder; Steven Doi, agent for appellant.

PUBLIC COMMENT: Joanna Bown spoke in favor of the appellant.

MEETING MINUTES – WEDNESDAY, AUGUST 1, 2007 - PAGE 6

(9) APPEAL NO. 07-066

GIULIANA RENDE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2576-2580 Washington Street. Protesting the issuance on April 23, 2007, to Jean Seto, Permit to Alter a Building (on 12-unit apartment building: units 4, 5, & 6 in building 2576; sections of wall and ceiling to be opened for electrical upgrade; plumbing work as needed; replace light fixtures; repair lath and plaster). APPLICATION NO. 2007/04/05/8119. FOR HEARING TODAY.
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ACTION: Withdrawn by the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) APPEAL NO. 07-067

KAWBHC LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3099 – 22 nd Street. Appealing a Letter of Determination dated April 24, 2007, addressed to Kathleen Welch, regarding a Notice of Special Restrictions (NSR) for the proposed new construction at the subject property and those adjacent lots that were originally formed from lot 034A. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to continue the matter to 9/19/07, to await the return of Commissioner Albright so that the full Board can decide the matter.

SPEAKERS: Rodrigo Santos, agent for appellant; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(11) APPEAL NO. 07 – 068

WING TAN dba "QUICKLY", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	415 Castro Street. Appealing a Notice of Violation dated April 23, 2007, addressed to Haifa Khoury, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4. FOR HEARING TODAY.
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MEETING MINUTES – WEDNESDAY, AUGUST 1, 2007 - PAGE 7

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to continue the matter to 10/24/07, with the public hearing closed, and to allow time for appellant to confer with Planning Staff on alternative options.

SPEAKERS: Scott Sanchez, PD; Wing Tan, appellant.

PUBLIC COMMENT: None.

(12) APPEAL NO. 07-069

STELLA CHIU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	383 Crestlake Drive. Protesting the issuance on May 11, 2007, to Heddy & Monio Pilpel, Site Permit to Alter a Building (on single-family house: horizontal addition and some ground floor interior remodel to include family room, bedroom, bath, and laundry room). APPLICATION NO. 2006/07/20/7181S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Stella Chiu, appellant; Heddy Pilpel, co- permit holder; Monio Pilpel, co – permit holder, David Pilpel, son of permit holders; Scott Sanchez, PD; Andy Rodgers, agent for permit holders.

PUBLIC COMMENT: Lorraine Smookler said she supports the project.

(13) APPEAL NO. 07-080

JEFFREY SHOPOFF, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3848 – 21 st Street. Protesting the issuance on May 15, 2007, to Eric & Linda Eislund, Site Permit to Alter a Building (on single family house: horizontal addition to ground and 2 nd floors; new cantilevered deck on 2 nd floor; vertical addition to rear of building for new attic space; all exterior alterations to rear of building). APPLICATION NO. 2006/09/01/1232S. FOR HEARING TODAY.
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MEETING MINUTES – WEDNESDAY, AUGUST 1, 2007 - PAGE 8

ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Jeffrey Shopoff, appellant; Elva Harding, attorney for permit holder; Karen Mar, agent for permit holder; Linda Eislund, co – permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: Dan Lockwood, Jennifer Delucca, Bastien Vida, Carrie Holder, Isabelle Salvadori, Fif Ghobadian and Christopher Keene spoke in support of the permit holder.

There being no further business, President Knox adjourned the meeting at 10:11 p.m.

Transcripts of these hearing can be obtained from Easteller Bruhl the Official Court Reporter.

Board of Appeals

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August 8, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for August 8, August 15, or August 22, 2007. The next regular meeting is scheduled for **Wednesday, August 29, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **August 3, 2007**

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San Francisco Board of Appeals
August 8, 2007 (No Meeting)

Agenda

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1.1 - 1.9

Board of Appeals

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August 29, 2007

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

OCT 27 2008

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AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 29, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) SPECIAL ITEM:

Subject property at 2440 Scott Street. Board final action on Appeal V06-193 was on March 7, 2007. Last day to request a rehearing was March 19, 2007. Jurisdiction request received on July 18, 2007. Letter from Tuija Catalano, attorney for Kevin Connors Trust, asking that the Board reopen the 10-day rehearing request period for Appeal V06-193, Goldin & Keenan vs. ZA, decided February 7, 2007, and findings adopted on March 7, 2007. On Feb. 7, 2007, upon motion by Vice President Garcia, the Board voted 5-0 to revoke the subject variance with findings to be adopted at a later date. On March 7, 2007, upon motion by Commissioner Haaland, the Board

voted 5-0 to adopt the findings. Project: construct a new three-story spiral staircase at the rear of the existing three-story building; variance case no. 2006.0216V. Variance Holder: Kevin Connors Trust.

(3b) SPECIAL ITEM / JURISDICTION REQUEST:

Subject property at 1844 Market Street. Letter from Susan Zemsky, requestor, asking that the Board allow the filing of an appeal against BPA No. 2006/07/14/6588S, issued on July 17, 2007, which was issued pursuant to Conditional Use (CU) Motion No. 17245 by the Planning Commission. Permit Holder: Bayrock Residential. Project: construction of eight-story, 113-unit, residential / commercial building with 16,824sf of ground floor area.

(3c) REHEARING REQUEST:

Subject property at 121 Brighton Avenue. Letter from Gerrie Scott, appellant, requesting rehearing of Appeal No. 07-061, Scott vs. DBI, PDA, decided July 18, 2007. At that time, upon motion by Commissioner Haaland, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject permit. Permit Holder: Luis Pereda. Project: on single-family house, legalize three existing rooms and bath; City records currently describe the building as one story @ 836sf over garage; building is currently 1,100sf of habitable space; 1,256sf on 2nd floor, and a 357sf bedroom and bath facing the rear yard on ground floor; add one story per plans; BPA No. 2006/06/07/3368.

(3d) REHEARING REQUEST:

Subject property at 60 Clarendon Avenue. Letter from Elva Harding, attorney for Gaetano Zaneli, appellant, requesting rehearing of Appeal No. 07-062, Zaneli vs. DBI, decided July 18, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject permit. Permit Holder: Tom McGrath. Project: on single-family house, revision to BPA No. 2004/04/22/2053; change 10 piers to soldier piers; BPA No. 2007/05/01/0078.

(3e) REHEARING REQUEST:

Taxi Commission's Public Convenience & Necessity Finding. Letter from Peter Witt, appellant, requesting rehearing of Appeal No. 07-097, Witt vs. TC, decided July 18, 2007. At that time, upon motion by President Knox, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the Taxi Commission with a finding that the public's convenience and necessity requires the issuance of the subject twenty-five

(25) new alternative fuel or hybrid taxi permits, and twenty-five (25) new ramped taxi permits. Taxi Commission Resolution No. 2007-20.

(3f) SPECIAL ITEM:

Subject property at 943 Church Street. Partial suspension of permit effective on June 22, 2007. Last day to appeal was July 9, 2007. Jurisdiction request received on July 17, 2007. Letter from Kevin Cheng and Todd Mavis, requestors, asking that the Board take jurisdiction over the partial suspension of BPA No. 2005/06/14/5053 by the Dept. of Building Inspection at the request of the Zoning Administrator. Project: new vertical addition to single-family dwelling; create one new unit; and remodel unit. **Note: On Aug. 1, 2007, the Board voted 3-1-1 (Commissioner Haaland dissented, Commissioner Albright absent) to grant the jurisdiction request; four votes being required to grant jurisdiction, the request was denied.** PUBLIC HEARING CLOSED, PUBLIC COMMENT LIMITED TO ISSUES CONCERNING RECISSION: a) Discussion and possible action to rescind vote on Jurisdiction Request taken August 1, 2007 due to Commissioners' error; and (b) Discussion and possible vote on whether to grant jurisdiction request for late filing of appeal .

(3g) REHEARING REQUEST:

Subject property at 2116 Irving Street. Letter from Wilbur Woo, appellant, requesting rehearing of Appeal No. 07-060, Woo vs. ZA, decided August 1, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject Notice of Violation that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4.

(3h) REHEARING REQUEST:

Subject property at 383 Crestlake Drive. Letter from Stella Chiu, appellant, requesting rehearing of Appeal No. 07-069, Chiu vs. DBI, PDA, decided August 1, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject permit. Permit Holders: Heddy & Monio Pilpel. Project: on single-family house, horizontal addition and some ground floor interior remodel to include family room, bedroom, bath, and laundry room; BPA No. 2006/07/20/7181S.

(3i) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3525 – 16th Street. Permit issued on July 6, 2007. Last day to appeal was July 23, 2007. Jurisdiction request received August 13, 2007. Letter from Peter Young, James Skoulat, and Paul Sanford, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2007/06/28/5346. Permit Holder: Donald Rice. Project: new rear deck and stair; less than 10'-0" above ground.

(4) APPEAL NO. 07-051

CHONG LOW, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	886-890 Lombard Street. Appealing a Stop Work Order Request dated April 5, 2007, addressed to Isam Hasenin, Director of the Dept. of Building Inspection, asking that Building Permit Application No. 2006/10/23/5704 be suspended because the project (reconstruction of exterior stair at rear) requires neighborhood notification and possibly a variance. PUBLIC HEARING HELD & CLOSED ON JULY 11, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant, neighbors, and Planning Dept. to negotiate a settlement.
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ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 07-052

JAZZIE COLLINS, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder(s): TENTH & MARKET LLC	1407-1435 Market Street. Protesting the adoption of findings on April 5, 2007, related to the approval of a Planning Code § 309 determination of compliance and request for exceptions for the construction of a residential project containing approximately 719 dwelling units, approximately 19,000sf of retail space, and a garage with a capacity of up to 593 parking spaces. MOTION NO. 17414. PUBLIC HEARING HELD & CLOSED ON JULY 11, 2007. FOR FURTHER
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	CONSIDERATION TODAY. Note: Matter continued in order to decide the companion variance appeal at the same time.
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(5B) APPEAL NO. V07-111

JAZZIE COLLINS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1407-1435 Market Street & 16-70 – 10th Street. Protesting the granting on June 28, 2007, to Tenth & Market LLC, Elevator Penthouse Height Exemption, Usable Open Space Dimension, Dwelling Unit Exposure, Hazard-Level Wind, and Loading Entry Variances (construction of two buildings sharing a common base and containing approximately 719 dwelling units, approximately 19,000sf of retail space, and a garage with a capacity of up to 593 parking spaces). VARIANCE CASE NO. 2006.0584V. FOR HEARING TODAY.
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(6) APPEAL NO. 07-078

SUZANNE BERGER, ROSS MOORE, EARL STOKES, MICHAEL LOHCA, & CHRIS ROLLINSON, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3463 – 16th Street. Protesting the issuance on May 10, 2007, to “Kape at 16th”, Café Tables & Chairs Sidewalk Permit. ORDER NO. 176,847. FOR HEARING TODAY.
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(7) APPEAL NO. 07-081

SHLOMO GONEN dba “MIDTOWN LOAN OFFICE”, Appellant(s) vs.	39 – 6th Street. Appealing the denial on March 27, 2007, of Pawnbroker
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POLICE DEPARTMENT, Respondent	Permit. JURISDICTION GRANTED MAY 9, 2007. FOR HEARING TODAY.
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(8) APPEAL NO. 07-103

SHERATON HOTEL FISHERMAN'S WHARF, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2500 Mason Street. Appealing the denial on June 11, 2007, of Permit to Remove & Replace Twelve (12) Trees. ORDER NO. 176,890. FOR HEARING TODAY.
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(9) APPEAL NO. 07-077

THOMAS CORBETT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2049 San Jose Avenue. Appealing the imposition of penalty on May 22, 2007, for work done without a permit (on single-family house: remove illegal kitchen and bath on first floor garage level; cap all utilities at source; convert to storage). APPLICATION NO. 2007/05/21/1814. FOR HEARING TODAY.
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(10) APPEAL NO. 07-079

DEAN BALLBACK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	741 Castro Street. Protesting the issuance on May 23, 2007, to 741 Castro LLC, Permit to Alter a Building (on four-unit apartment building: new kitchen and bath cabinets, counters, and fixtures; plaster repair; installation to comply with energy codes, Title 24). APPLICATION NO. 2007/05/23/2112. FOR HEARING TODAY.
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(11) APPEAL NO. 07-098

DOLORES STREET HOLDINGS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1266B Dolores Street. Appealing a Notice of Violation dated June 1, 2007, addressed to Dolores Street Holdings LLC, regarding the unauthorized demolition of a previously existing (non-complying) one-story rear addition at the subject property. FOR HEARING TODAY.
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(12) APPEAL NO. V07-133

SUZANNE SCULL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	78 Peralta Avenue. Appealing the denial on August 3, 2007, of Parking Variance (removal of required conditions per Variance Case No. 1998.567V that allowed a second dwelling unit on the ground floor through the removal of the existing off-street parking space of the subject building). VARIANCE CASE NO. 2007.0449V. FOR HEARING TODAY.
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ITEMS (13A), (13B), (13C), (13D), (13E) & (13F) SHALL BE HEARD TOGETHER:**(13A) APPEAL NO. 05-115**

ANDRE MANDEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #7. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5100. FOR HEARING TODAY.
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(13B) APPEAL NO. 05-116

LEAH GUILLERMO, Appellant(s)	1166 Haight Street #1.
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vs. DEPT. OF BUILDING INSPECTION, Respondent	Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5684. FOR HEARING TODAY.
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(13C) APPEAL NO. 05-117

CHRISTOPHER DUTRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #5. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5776. FOR HEARING TODAY.
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(13D) APPEAL NO. 05-118

SEAN COOPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #8. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5703. FOR HEARING TODAY.
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(13E) APPEAL NO. 05-139

OLIVIA PLATFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #11. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5631. JURISDICTION GRANTED AUG. 10,
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	2005. FOR HEARING TODAY.
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(13F) APPEAL NO. 05-140

FRICK DEAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #12. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5635. FOR HEARING TODAY.
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ITEMS (14A) & (14B) SHALL BE HEARD TOGETHER:**(14A) APPEAL NO. 06-087**

DONG FU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	838 Alabama Street. Protesting the issuance on May 12, 2006, to James McFadden, Permit to Alter a Building (on single-family house: replace windows in front and back; raise basement by 1' – 6"; adjust new roof line to accommodate joist; add new beams and shear walls on upper floors to reinforce layout and install tile over concrete steps as needed; new laundry at basement and new layout on 1 st floor; new stairs; interior remodel). APPLICATION NO. 2006/05/12/1526. FOR HEARING TODAY. Note: The Board voted 5-0 on July 26, 2006 to continue the matter to Call of Chair at the request of DBI.
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(14B) APPEAL NO. 07-072

TONY FU, Appellant(s) vs.	838 Alabama Street. Protesting the issuance on May 9, 2007, to Jersey Street Associates LLC, Site
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DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	Permit to Alter a Building (on single-family house: consolidate under single permit all work previously shown under BPA Nos. 2006/03/22/7327, 2006/04/20/9476, 2006/05/03/0499, 2006/05/03/0547, and 2006/05/12/1526; new work not shown previously (clearly for notification includes raising building 18 inches, infilling light well at north side, and developing basement into habitable space). APPLICATION NO. 2006/11/15/7736S. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 23, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven

minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices

are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES -- WEDNESDAY, AUGUST 29, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Katharine Albright, Commissioner Frank Fung, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Heidi Machen, Executive Director, Taxi Commission (TC); Carla Short, Department of Public Works, Bureau of Urban Forestry (DPW, BUF); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant, for the Board, Manual Payes, Clerk Typist, and Virginia O'Rear, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) SPECIAL ITEM:

Subject property at 2440 Scott Street. Board final action on Appeal V06-193 was on March 7, 2007. Last day to request a rehearing was March 19, 2007. Jurisdiction request received on July 18, 2007. Letter from Tuija Catalano, attorney for Kevin Connors Trust, asking that the Board reopen the 10-day rehearing request period for Appeal V06-193, Goldin & Keenan vs. ZA, decided February 7, 2007, and findings adopted on March 7, 2007. On Feb. 7, 2007, upon motion by Vice President Garcia, the Board voted 5-0 to revoke the subject variance with findings to be adopted at a later date. On March 7, 2007, upon motion by Commissioner Haaland, the Board voted 5-0 to adopt the findings. Project: construct a new three-story spiral staircase at the rear of the existing three-story building; variance case no. 2006.0216V. Variance Holder: Kevin Connors Trust.

ACTION: Withdrawn.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) SPECIAL ITEM / JURISDICTION REQUEST:

Subject property at 1844 Market Street. Letter from Susan Zemsky, requestor, asking that the Board allow the filing of an appeal against BPA No. 2006/07/14/6588S, issued on July 17, 2007, which was issued pursuant to Conditional Use (CU) Motion No. 17245 by the Planning Commission. Permit Holder: Bayrock Residential. Project: construction of eight-story, 113-unit, residential / commercial building with 16,824sf of ground floor area.

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to deny the Jurisdiction Request.

SPEAKERS: Susan Jean Zemsky, requestor; Alice Barkley, attorney for permit holder.

PUBLIC COMMENT: None.

(3c) REHEARING REQUEST:

Subject property at 121 Brighton Avenue. Letter from Gerrie Scott, appellant, requesting rehearing of Appeal No. 07-061, Scott vs. DBI, PDA, decided July 18, 2007. At that time, upon motion by Commissioner Haaland, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject permit. Permit Holder: Luis Pereda. Project: on single-family house, legalize three existing rooms and bath; City records currently describe the building as one story @ 836sf over garage; building is currently 1,100sf of habitable space; 1,256sf on 2nd floor, and a 357sf bedroom and bath facing the rear yard on ground floor; add one story per plans; BPA No. 2006/06/07/3368.

ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to deny the Rehearing Request.

SPEAKERS: Gerrie Scott, requestor; Jeff Gard, agent for permit holder; Luis Pereda, permit holder.

PUBLIC COMMENT: None.

(3d) REHEARING REQUEST:

Subject property at 60 Clarendon Avenue. Letter from Elva Harding, attorney for Gaetano Zaneli, appellant, requesting rehearing of Appeal No. 07-062, Zaneli vs. DBI, decided July 18, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject permit. Permit Holder: Tom McGrath. Project: on single-family house, revision to BPA No. 2004/04/22/2053; change 10 piers to soldier piers; BPA No. 2007/05/01/0078.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to deny the Rehearing Request.

SPEAKERS: Elva Harding, attorney for appellant; Jim Reuben, attorney for permit holder.

PUBLIC COMMENT: Joe Cassidy spoke in favor of the permit holder.

(3e) REHEARING REQUEST:

Taxi Commission's Public Convenience & Necessity Finding. Letter from Peter Witt, appellant, requesting rehearing of Appeal No. 07-097, Witt vs. TC, decided July 18, 2007. At that time, upon motion by President Knox, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the Taxi Commission with a finding that the public's convenience and necessity requires the issuance of the subject twenty-five (25) new alternative fuel or hybrid taxi permits, and twenty-five (25) new ramped taxi permits. Taxi Commission Resolution No. 2007-20.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to deny the Rehearing Request.

SPEAKERS: Peter Witt, requestor; Heidi Machen, TC.

PUBLIC COMMENT: Barry Taranto spoke in favor of the Taxi Commission. Tariq Mehmood spoke in favor of the requestor.

(3f) SPECIAL ITEM:

Subject property at 943 Church Street. Partial suspension of permit effective on June 22, 2007. Last day to appeal was July 9, 2007. Jurisdiction request received on July 17, 2007. Letter from Kevin Cheng and Todd Mavis, requestors, asking that the Board take jurisdiction over the partial suspension of BPA No. 2005/06/14/5053 by the Dept. of Building Inspection at the request of the Zoning Administrator. Project: new vertical addition to single-family dwelling; create one new unit; and remodel unit. **Note: On Aug. 1, 2007, the Board voted 3-1-1 (Commissioner Haaland dissented, Commissioner Albright absent) to grant the jurisdiction request; four votes being required to grant jurisdiction, the request was denied. PUBLIC HEARING CLOSED, PUBLIC COMMENT LIMITED TO ISSUES CONCERNING RECISSION: a) Discussion and possible action to rescind vote on Jurisdiction Request taken August 1, 2007 due to Commissioners' error; and (b) Discussion and possible vote on whether to grant jurisdiction request for late filing of appeal.**

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to rescind the vote of Aug. 1, 2007. Afterwards, upon motion by Commissioner Haaland, the Board voted 5 – 0 to continue the Jurisdiction Request, and to accept the appeal on underlying partial suspension, and to schedule this appeal for Sept. 19, 2007, with all briefs due Thursday before hearing.

SPEAKERS: Todd Mavis, Appellant.

PUBLIC COMMENT: None.

(3g) REHEARING REQUEST:

Subject property at 2116 Irving Street. Letter from Wilbur Woo, appellant, requesting rehearing of Appeal No. 07-060, Woo vs. ZA, decided August 1, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject Notice of Violation that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to grant the Rehearing Request, and to set the Rehearing for Oct. 3, 2007.

SPEAKERS: Christina Chang, agent for requestor; Tina Tam, PD.

PUBLIC COMMENT: None.

(3h) REHEARING REQUEST:

Subject property at 383 Crestlake Drive. Letter from Stella Chiu, appellant, requesting rehearing of Appeal No. 07-069, Chiu vs. DBI, PDA, decided August 1, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the subject permit. Permit Holders: Heddy & Monio Pilpel. Project: on single-family house, horizontal addition and some ground floor interior remodel to include family room, bedroom, bath, and laundry room; BPA No. 2006/07/20/7181S.

ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to deny the Rehearing Request.

SPEAKERS: Jamie Chiu, agent for requestor; David Pipel, agent for permit holder.

PUBLIC COMMENT: Roy Lew for spoke in support of the requestors.

(3i) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3525 – 16th Street. Permit issued on July 6, 2007. Last day to appeal was July 23, 2007. Jurisdiction request received August 13, 2007. Letter from Peter Young, James Skoulat, and Paul Sanford, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2007/06/28/5346. Permit Holder: Donald Rice. Project: new rear deck and stair; less than 10'-0" above ground.

ACTION: Upon motion by Commissioner Albright, the Board voted 3 – 2 (President Knox and Commissioner Haaland dissented) to deny the Jurisdiction Request.

SPEAKERS: Peter Young, requestor; Donna Rice, co-permit holder.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07-051

CHONG LOW, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	886-890 Lombard Street. Appealing a Stop Work Order Request dated April 5, 2007, addressed to Isam Hasenin, Director of the Dept. of Building Inspection, asking that Building Permit Application No. 2006/10/23/5704 be suspended because the project (reconstruction of exterior stair at rear) requires neighborhood notification and possibly a variance. PUBLIC HEARING HELD & CLOSED ON JULY 11, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant, neighbors, and Planning Dept. to negotiate a settlement.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to overrule the Stop Work Order with adoption of revised plans dated Aug., 17, 2007.

SPEAKERS: Chong Low, appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: Sandy Miller spoke in favor of the ZA.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) APPEAL NO. 07-052

JAZZIE COLLINS, Appellant(s) vs. PLANNING COMMISSION, Respondent Motion Holder(s): TENTH & MARKET LLC	1407-1435 Market Street. Protesting the adoption of findings on April 5, 2007, related to the approval of a Planning Code § 309 determination of compliance and request for exceptions for the construction of a residential project containing approximately 719 dwelling units, approximately 19,000sf of retail space, and a garage with a capacity of up to 593 parking spaces. MOTION NO. 17414. PUBLIC HEARING HELD & CLOSED ON JULY 11, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued in order to decide the companion variance appeal at the same time.
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SEE 5B.

(5B) APPEAL NO. V07-111

JAZZIE COLLINS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1407-1435 Market Street & 16-70 – 10 th Street. Protesting the granting on June 28, 2007, to Tenth & Market LLC, Elevator Penthouse Height Exemption, Usable Open Space Dimension, Dwelling Unit Exposure, Hazard-Level Wind, and Loading Entry Variances (construction of two buildings sharing a common base and containing approximately 719 dwelling units, approximately 19,000sf of retail space, and a garage with a capacity of up to 593 parking spaces). VARIANCE CASE NO. 2006.0584V. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 2 (President Knox and Commissioner Haaland dissented) to uphold the Planning Code § 309 adoption of findings, and to uphold the variances.

SPEAKERS: Sue Hestor, attorney for appellant; Tom Radulovich, agent for appellant; Tim Tosta, attorney for motion holder/variance holder; Craig Nikitas, PD.

PUBLIC COMMENT: Tim Colen, Tyrone Cobb, Fidencio Salazar Jr., David Beede, Robert Gabino, Jim Salinas Sr., Jim Bachley and Mara Blitzer spoke in favor of the motion holder.

(6) APPEAL NO. 07-078

SUZANNE BERGER, ROSS MOORE, EARL STOKES, MICHAEL LOHCA, & CHRIS ROLLINSON, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	3463 – 16 th Street. Protesting the issuance on May 10, 2007, to "Kape at 16 th ", Café Tables & Chairs Sidewalk Permit. ORDER NO. 176,847. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to uphold the permit on condition that all 3 tables be placed on 16th St., so long as the 3rd table does not violate DPW/BSM guidelines, and on condition that no tables and chairs be place on Dehon St.

SPEAKERS: Suzanne Berger, co-appellant; Bill Comfort, agent for permit holder, Chris Rollinson, co-appellant; Enrico DeGuzman, agent for permit holder.

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-081

SHLOMO GONEN dba "MIDTOWN LOAN OFFICE", Appellant(s) vs. POLICE DEPARTMENT, Respondent	39 – 6 th Street. Appealing the denial on March 27, 2007, of Pawnbroker Permit. JURISDICTION GRANTED MAY 9, 2007. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to continue to Feb. 6, 2008, with the public hearing closed, and for appellant to seek amendment of Police Code.

SPEAKERS: Thomas O'Neill, SFPD; Jon Webster, attorney for appellant; Tal Schmangal, agent for appellant.

PUBLIC COMMENT: None.

(8) APPEAL NO. 07-103

SHERATON HOTEL FISHERMAN'S WHARF, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2500 Mason Street. Appealing the denial on June 11, 2007, of Permit to Remove & Replace Twelve (12) Trees. ORDER NO. 176,890. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 1 (Commissioner Fung dissented) to uphold the denial.

SPEAKERS: Carla Short, DPW, BUF; Vincent Lattanzio, agent for appellant; Roy Legitt, agent for appellant; and David Givens, agent for appellant.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-077

THOMAS CORBETT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2049 San Jose Avenue. Appealing the imposition of penalty on May 22, 2007, for work done without a permit (on single-family house: remove illegal kitchen and bath on first floor garage level; cap all utilities at source; convert to storage). APPLICATION NO. 2007/05/21/1814. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to reduce the penalty to two (2) times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Mark Schwartzle, Subject Property Owner.

PUBLIC COMMENT: None.

(10) APPEAL NO. 07-079

DEAN BALLBACK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	741 Castro Street. Protesting the issuance on May 23, 2007, to 741 Castro LLC, Permit to Alter a Building (on four-unit apartment building: new kitchen and bath cabinets, counters, and fixtures; plaster repair; installation to comply with energy codes, Title 24). APPLICATION NO. 2007/05/23/2112. FOR HEARING TODAY.
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ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(11) APPEAL NO. 07-098

DOLORES STREET HOLDINGS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1266B Dolores Street. Appealing a Notice of Violation dated June 1, 2007, addressed to Dolores Street Holdings LLC, regarding the unauthorized demolition of a previously existing (non-complying) one-story rear addition at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to reschedule the matter to Sept. 12, 2007, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(12) APPEAL NO. V07-133

SUZANNE SCULL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	78 Peralta Avenue. Appealing the denial on August 3, 2007, of Parking Variance (removal of required conditions per Variance Case No. 1998.567V that allowed a second dwelling unit on the ground floor through the removal of the existing off-street parking space of the subject building). VARIANCE CASE NO. 2007.0449V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to continue the matter to Oct. 10, 2007, with the public hearing closed, and for the appellant to confer with the Z.A. on alternative options.

SPEAKERS: Tina Tam, PD; Siri Scull, daughter of appellant; Laurence Kornfield, DBI; Suzanne Scull, appellant.

PUBLIC COMMENT: Anita Khan, spoke in support of the Planning Department.

ITEMS (13A), (13B), (13C), (13D), (13E) & (13F) SHALL BE HEARD TOGETHER:

(13A) APPEAL NO. 05-115

ANDRE MANDEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #7. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5100. FOR HEARING TODAY.
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(13B) APPEAL NO. 05-116

LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #1. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5684. FOR HEARING TODAY.
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(13C) APPEAL NO. 05-117

CHRISTOPHER DUTRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #5. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5776. FOR HEARING TODAY.
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(13D) APPEAL NO. 05-118

SEAN COOPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #8. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5703. FOR HEARING TODAY.
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(13E) APPEAL NO. 05-139

OLIVIA PLATFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #11. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5631. JURISDICTION GRANTED AUG. 10, 2005. FOR HEARING TODAY.
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(13F) APPEAL NO. 05-140

FRICK DEAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #12. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5635. FOR HEARING TODAY.
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ACTION: Items 13A – 13F. Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule all matters to Nov. 7, 2007.

SPEAKERS: None.

PUBLIC COMMENTS: None.

ITEMS (14A) & (14B) SHALL BE HEARD TOGETHER:

(14A) APPEAL NO. 06-087

DONG FU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	838 Alabama Street. Protesting the issuance on May 12, 2006, to James McFadden, Permit to Alter a Building (on single-family house: replace windows in front and back; raise basement by 1' – 6"; adjust new roof line to accommodate joist; add new beams and shear walls on upper floors to reinforce layout and install tile over concrete steps as needed; new laundry at basement and new layout on 1 st floor; new stairs; interior remodel). APPLICATION NO. 2006/05/12/1526. FOR HEARING TODAY. Note: The Board voted 5-0 on July 26, 2006 to continue the matter to Call of Chair at the request of DBI.
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(14B) APPEAL NO. 07-072

TONY FU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	838 Alabama Street. Protesting the issuance on May 9, 2007, to Jersey Street Associates LLC, Site Permit to Alter a Building (on single-family house: consolidate under single permit all work previously shown under BPA Nos. 2006/03/22/7327, 2006/04/20/9476, 2006/05/03/0499, 2006/05/03/0547, and 2006/05/12/1526; new work not shown previously (clearly) for notification includes raising building 18 inches, infilling light well at north side, and developing basement into habitable space). APPLICATION NO. 2006/11/15/7736S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (President Knox recused) to uphold both permits.

SPEAKERS: Tony Fu, Appellant; Leo McFadden, Permit Holder.

PUBLIC COMMENT: None.

There being no further business, the meeting was adjourned at 12:20 am.

Board of Appeals

LISTEN

TEXT ONLY

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September 05, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for Sept. 5, 2007. The next regular meeting is scheduled for **Wednesday, Sept. 12, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **August 30, 2007**

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DOCUMENTS DEPT

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 12, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

2/07
(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS: None.

DOCUMENTS DEPT.

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(4) APPEAL NO. 07-009

CITY LIGHTS PARTNERSHIP, Appellant(s)
vs.

ZONING ADMINISTRATOR, Respondent

2130 Leavenworth Street #9.

Appealing a Notice of Violation dated January 17, 2007, addressed to Tom Zimmerman and City Lights Partnership c/o Shirley Ann Walker, that the subject property is being operated in a manner consistent with that of a hotel, in violation of Planning Code § 209.2(d).

PUBLIC HEARINGS HELD & CLOSED ON MARCH 21, 2007 & JUNE 13, 2007. FOR FURTHER CONSIDERATION TODAY.

Note: Matter continued to allow time for parties to finalize a settlement regarding the sound transmission issue.

(5) APPEAL NO. 07-048

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44 th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to seek a settlement with the adjacent neighbors, to submit revised plans, and for the Planning Department to review the matter.
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(6) APPEAL NO. 07-094

KENNETH CISNE JR. dba "KEN'S TOWING", Appellant(s) vs. POLICE DEPARTMENT, Respondent	1229 Underwood Avenue. Appealing the revocation on May 30, 2007, of Tow Car Firm Permit (P51). FOR HEARING TODAY.
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(7) APPEAL NO. 07-082

PETER SCHUMACHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1327-1329 – 5 th Avenue. Appealing the imposition of penalty on May 29, 2007, for work done without a permit (on two-unit building: comply with correction orders per NOV No. 200700901). APPLICATION NO. 2007/05/18/1697. FOR HEARING TODAY.
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(8) APPEAL NO. 07-084

MARTIN BILAFER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1985 Grove Street. Appealing the imposition of penalty on May 23, 2007, for work done without a permit (on ten-unit apartment building: kitchen remodel for Apt. Nos. 7 & 10). APPLICATION NO. 2007/02/22/4703. FOR HEARING TODAY.
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(9) APPEAL NO. 07-085

MARTIN BILAFER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	355 Octavia Street. Appealing the imposition of penalty on May 23, 2007, for work done without a permit (on 21-unit apartment building: kitchen cabinet/counter top replacement). APPLICATION NO. 2007/03/13/6087. FOR HEARING TODAY.
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(10) APPEAL NO. 07-089

MARTIN SINGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	60 Nebraska Street. Appealing the imposition of penalty on June 8 2007, for work done without a permit (on single-family house: create new study room in basement; legalize existing bathroom in basement; reinforce existing foundation at ground floor north wall). APPLICATION NO. 2007/06/05/3026. FOR HEARING TODAY.
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ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) APPEAL NO. 07-074

DEBORAH STOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	124 -128 Fillmore Street. Protesting the issuance on May 8, 2007, to David Nale, Site Permit to Alter a Building (on three-unit apartment building: garage in rear yard; variance application filed; roof deck over garage; three-car car lift). APPLICATION NO. 2005/06/17/5345S. FOR HEARING TODAY.
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(11B) APPEAL NO. 07-088

DAVID NALE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. REQUEST FOR SUSPENSION	124-126 Fillmore Street. Appealing the suspension on May 22, 2007, of Building Permit Application No. 2005/06/17/5345. Reason for suspension: a bed and breakfast is operating at the subject property without Conditional Use (CU) authorization from the Planning Commission. FOR HEARING TODAY.
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(12) APPEAL NO. 07-090

REGINA McCLENDON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: DANIEL WALSH	67 Madrone Avenue. Appealing the denial on June 8, 2007, of Site Permit to Alter a Building (on single-family house: add new bedroom and bathroom on 1 st floor; remodel existing kitchen and relocate existing bedroom on 2 nd floor; add new master bedroom and bathroom on 3 rd floor). APPLICATION NO. 2006/10/06/4439S. FOR HEARING TODAY.
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ITEMS (13A), (13B) & (13C) SHALL BE HEARD TOGETHER:

(13A) APPEAL NO. 07-091

JANO AVANESSIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	355-375 Fremont Street Protesting the issuance on May 24, 2007, to Fifield Development, Permit to Demolish a Building (two-story office building with 16,900sf of ground floor area). APPLICATION NO. 2006/07/06/5800. FOR HEARING TODAY.
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(13B) APPEAL NO. 07-092

JANO AVANESSIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	385 Fremont Street Protesting the issuance on May 24, 2007, to Fifield Development, Permit to Demolish a Building (one-story auto shop with 6,500sf of ground floor area). APPLICATION NO. 2006/07/06/5797. FOR HEARING TODAY.
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(13C) APPEAL NO. 07-093

JANO AVANESSIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	399 Fremont Street Protesting the issuance on May 24, 2007, to Fifield Development, Permit to Demolish a Building (three-story self-storage building with 11,050sf of ground floor area). APPLICATION NO. 2006/07/06/5789. FOR HEARING TODAY.
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(14) APPEAL NO. 07-098

DOLORES STREET HOLDINGS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1266B Dolores Street. Appealing a Notice of Violation dated June 1, 2007, addressed to Dolores Street Holdings LLC, regarding the unauthorized demolition of a previously existing (non-complying) one-story rear addition at the subject property. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 6, 2007**

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sovf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPTEMBER 12, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Edward Sweeney, Senior Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); William Coggan, Sergeant, San Francisco Police Department (SFPD); Robert Feldman, Executive Secretary; and Manuel Payes, Typist Clerk; Easteller Bruhl, Official Court Reporter.

ABSENT: Victor Pacheco, Legal Assistant.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

DOCUMENTS DEPT.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADDENDUM ITEMS:** None.

(4) APPEAL NO. 07-009

CITY LIGHTS PARTNERSHIP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2130 Leavenworth Street #9. Appealing a Notice of Violation dated January 17, 2007, addressed to Tom Zimmerman and City Lights Partnership c/o Shirley Ann Walker, that the subject property is being operated in a manner consistent with that of a hotel, in violation of Planning Code § 209.2(d). PUBLIC HEARINGS HELD & CLOSED ON MARCH 21, 2007 & JUNE 13, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to finalize a settlement regarding the sound transmission issue.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland dissented) to overrule the Notice of Violation with conditions as outlined in the 8/22/07 letter to the Board.

SPEAKERS: Andrew August, Attorney for Appellant; Scott Sanchez, PD; Edward Hartley, Attorney for Neighbors.

PUBLIC COMMENT: None.

(5) APPEAL NO. 07-048

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44 th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to seek a settlement with the adjacent neighbors, to submit revised plans, and for the Planning Department to review the matter.
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ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to continue the matter to 10/3/07, at the written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 07-094

KENNETH CISNE JR. dba "KEN'S TOWING", Appellant(s) vs. POLICE DEPARTMENT, Respondent	1229 Underwood Avenue. Appealing the revocation on May 30, 2007, of Tow Car Firm Permit (P51). FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to overrule the revocation on condition that the appellant pay the remaining account balance and provide satisfactory proof of workers compensation insurance.

SPEAKERS: Sergeant William Coggan, for SFPD; Kenneth J. Cisne Jr., Appellant.

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-082

PETER SCHUMACHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1327-1329 – 5 th Avenue. Appealing the imposition of penalty on May 29, 2007, for work done without a permit (on two-unit building: comply with correction orders per NOV No. 200700901). APPLICATION NO. 2007/05/18/1697. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to reduce the penalty to two times the regular fee.

SPEAKERS: Edward Sweeney, for DBI; Peter Schumacher, Appellant.

PUBLIC COMMENT: None.

(8) APPEAL NO. 07-084

MARTIN BILAFER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1985 Grove Street. Appealing the imposition of penalty on May 23, 2007, for work done without a permit (on ten-unit apartment building: kitchen remodel for Apt. Nos. 7 & 10). APPLICATION NO. 2007/02/22/4703. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reduce the penalty to two times the regular fee.

SPEAKERS: Edward Sweeney, for DBI; Martin Bilafer, Appellant.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-085

MARTIN BILAFER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	355 Octavia Street. Appealing the imposition of penalty on May 23, 2007, for work done without a permit (on 21-unit apartment building: kitchen cabinet/counter top replacement). APPLICATION NO. 2007/03/13/6087. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reduce the penalty to two times the regular fee.

SPEAKERS: Edward Sweeney for DBI; Martin Bilafer, Appellant.

PUBLIC COMMENT: None.

(10) APPEAL NO. 07-089

MARTIN SINGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	60 Nebraska Street. Appealing the imposition of penalty on June 8 2007, for work done without a permit (on single-family house: create new study room in basement; legalize existing bathroom in basement; reinforce existing foundation at ground floor north wall). APPLICATION NO. 2007/06/05/3026. FOR HEARING TODAY.
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MEETING MINUTES – WEDNESDAY, SEPTEMBER 12, 2007 - PAGE 5

ACTION: Upon motion by President Knox, the Board voted 5 – 0 to reduce the penalty to two times the regular fee.

SPEAKERS: Edward Sweeney, for DBI; Martin Singer, Appellant.

PUBLIC COMMENT: None.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) APPEAL NO. 07-074

DEBORAH STOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	124 -128 Fillmore Street. Protesting the issuance on May 8, 2007, to David Nale, Site Permit to Alter a Building (on three-unit apartment building: garage in rear yard; variance application filed; roof deck over garage; three-car car lift). APPLICATION NO. 2005/06/17/5345S. FOR HEARING TODAY.
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(11B) APPEAL NO. 07-088

DAVID NALE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. REQUEST FOR SUSPENSION	124-126 Fillmore Street. Appealing the suspension on May 22, 2007, of Building Permit Application No. 2005/06/17/5345. Reason for suspension: a bed and breakfast is operating at the subject property without Conditional Use (CU) authorization from the Planning Commission. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule both matters to 11/14/07.

SPEAKERS: Tex Ritter, Attorney for Permit Holder; Deborah Stott, Appellant.

PUBLIC COMMENT: None.

(12) APPEAL NO. 07-090

REGINA McCLENDON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: DANIEL WALSH	67 Madrone Avenue. Appealing the denial on June 8, 2007, of Site Permit to Alter a Building (on single-family house: add new bedroom and bathroom on 1 st floor; remodel existing kitchen and relocate existing bedroom on 2 nd floor; add new master bedroom and bathroom on 3 rd floor). APPLICATION NO. 2006/10/06/4439S. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 - 0 to overrule the denial with findings to be adopted at a later time.

SPEAKERS: Tina Tam, for PD; Joel Yodowitz, Attorney for Appellant; Kotas Pantaleone, Architect for Appellant.

PUBLIC COMMENT: Terry Gaynor, Lisa Walsh, Antoinette Farmer, Mary Volkov, Nancy Singleton, Mark Kenny and Maria Sarnsens spoke in favor of the § 14 Party.

Kristina Doorlag spoke in favor of the appellant.

ITEMS (13A), (13B) & (13C) SHALL BE HEARD TOGETHER:

(13A) APPEAL NO. 07-091

JANO AVANESSIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	355-375 Fremont Street Protesting the issuance on May 24, 2007, to Fifield Development, Permit to Demolish a Building (two-story office building with 16,900sf of ground floor area). APPLICATION NO. 2006/07/06/5800. FOR HEARING TODAY.
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(13B) APPEAL NO. 07-092

JANO AVANESSIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	385 Fremont Street Protesting the issuance on May 24, 2007, to Fifield Development, Permit to Demolish a Building (one-story auto shop with 6,500sf of ground floor area). APPLICATION NO. 2006/07/06/5797. FOR HEARING TODAY.
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(13C) APPEAL NO. 07-093

JANO AVANESSIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	399 Fremont Street Protesting the issuance on May 24, 2007, to Fifield Development, Permit to Demolish a Building (three-story self-storage building with 11,050sf of ground floor area). APPLICATION NO. 2006/07/06/5789. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to uphold all three demolition permits.

SPEAKERS: Jano Avenessian, Appellant; Albert Costa, Architect for Appellant; Steven Vettel, Attorney for Permit Holder; Steve Kuklin, Permit Holder.

PUBLIC COMMENT: None.

(14) APPEAL NO. 07-098

DOLORES STREET HOLDINGS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1266B Dolores Street. Appealing a Notice of Violation dated June 1, 2007, addressed to Dolores Street Holdings LLC, regarding the unauthorized demolition of a previously existing (non-complying) one-story rear addition at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to overrule the Notice of Violation with conditions as read into the record.

SPEAKERS: Tina Tam, for PD; Lu Blazej, Agent for Appellant; Ephraim Gordon, Engineer for Appellant; Edward Sweeney, for DBI; Patrick Buscovich, Agent for Appellant.

PUBLIC COMMENT: Jeff Berry spoke in favor of the Appellant; and Mark Fellman, Anne Walzer, Rubeut Gluck, Cindy Ossias, and Janet Cochrane spoke in favor of the ZA.

ADJOURNMENT.

There being no further business, President Knox adjourned the meeting at 9:50 p.m.

Transcripts of these hearings can be obtained from Easteller Bruihl the Official Court Reporter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPTEMBER 19, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

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(3) SPECIAL ITEM:

Presentation of City Attorney opinion regarding legal requirements for removal of Board members and Department Head for the Board of Appeals.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on February 1, 2007. Last day to appeal was February 16, 2007. Jurisdiction request received May 4, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2004/06/15/6478S. Permit Holder: James Chan. Project: horizontal and vertical addition while adding 2nd dwelling unit.

(4c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on March 14, 2007. Last day to appeal was March 29, 2007. Jurisdiction request received June 7, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/03/14/6243. Permit Holder: James Chan. Project: revise egress stairs at rear per plans under BPA No. 2004/06/15/6478S.

(4d) REHEARING REQUEST:

Subject property at 1039 Ocean Avenue. Letter from Roy Lam, appellant, requesting rehearing of Appeal No. 07-059, Lam dba "Quickly" vs. ZA, decided July 18, 2007. At that time, upon motion by Commissioner Haaland, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the Notice of Violation which states that the "Quickly" establishment at the subject property has not procured proper Planning Dept. authorization, in violation of Planning Code § 711.44.

(4e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 43D Dearborn Street. Permit issued on April 2, 2007. Last day to appeal was April 17, 2007. Jurisdiction request received on August 28, 2007. Letter from Sabine Rodems & Koorosh Afshari, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/02/7858. Permit Holders: Enrico & Emilia Martin. Project: remove illegal unit, kitchen and bath; cap utilities at source.

(4f) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 20 Villa Terrace. Permits issued on July 16, July 18, and July 19, 2007. Last day to appeal was July 31, August 2, and August 3, 2007, respectively. Jurisdiction requests received August 17, 2007. Letter from George Gomes, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/07/16/6810, Plumbing Permit No. PP2007/07/18/670, and Electrical Permit No. E2007/07/19/9821. Permit Holder: Peter Quintana. Project: removal of illegal unit; convert back to legal storage (building permit); demolish plumbing in illegal unit (plumbing permit); and remove wiring installed illegally in basement, and install subload center (electrical permit).

(4g) SPECIAL ITEM / JURISDICTION REQUEST:

Subject property at 943 Church Street. Partial suspension of permit effective on June 22, 2007. Last day to appeal was July 9, 2007. Jurisdiction request received on July 17, 2007. Letter from Kevin Cheng and Todd Mavis, requestors, asking that the Board take jurisdiction over the partial suspension of BPA No. 2005/06/14/5053 by the Dept. of Building Inspection at the request of the Zoning Administrator. Project: new vertical addition to single-family dwelling; create one new unit; and remodel unit. **Note:** On Aug. 1, 2007, the Board voted 3-1-1 to grant the jurisdiction request; four votes being required to grant jurisdiction, the request was denied. Public hearing closed; public comment limited to issues concerning rescission: a) discussion and possible action to rescind vote on jurisdiction request taken August 1, 2007 due to Commissioners' error; and (b) discussion and possible vote on whether to grant jurisdiction request to allow late filing of appeal. **Further Note:** If this jurisdiction request is granted, then Item 5, Appeal No. 07-155, Cheng & Mavis vs. DBI, may be heard on the merits.

(5) APPEAL NO. 07-155

KEVIN CHENG & TODD MAVIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	943 Church Street. Appealing the partial suspension on June 22, 2007, of Building Permit Application No. 2005/06/14/5053 by the Dept. of Building Inspection at the request of the Zoning Administrator. Project: new vertical addition to single-family dwelling; create one new unit; and remodel unit. FOR HEARING TODAY ONLY IF JURISDICTION IS GRANTED IN ITEM 4G.
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(6) APPEAL NO. 07-067

KAWBHC LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3099 – 22 nd Street. Appealing a Letter of Determination dated April 24, 2007, addressed to Kathleen Welch, regarding a Notice of Special Restrictions (NSR) for the proposed new construction at the subject property and those adjacent lots that were originally formed from lot 034A. PUBLIC HEARING HELD & CLOSED ON AUGUST 1, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued in order to allow Commissioner Albright to participate in the final vote.
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(7) APPEAL NO. 07-063

JUAN ESCOBAR dba "GE TOWING", Appellant(s) vs. POLICE DEPARTMENT, Respondent	No specific subject property. Appealing the revocation on April 19, 2007, of Tow Car Firm Permit (P51). FOR HEARING TODAY.
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(8) APPEAL NO. 07-118

SAN FRANCISCO STERN GROVE COURT HOA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2790 – 19 th Avenue. Appealing the denial on July 1, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,956. FOR HEARING TODAY.
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(9) APPEAL NO. 07-095

ELVA ZEPEDA & GRACIELA CUBAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3225 – 23 rd Street. Protesting the issuance on June 5, 2007, to Victor Meneses, Permit to Alter a Building (on four-unit building: remove studio on ground floor [illegal]; return back to garage; comply with NOV No. 200799376). APPLICATION NO. 2007/06/05/3046. FOR HEARING TODAY.
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(10) APPEAL NO. 07-096

DOUGLAS YEP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	951 Monterey Boulevard. Protesting the issuance on May 30, 2007, to Tina John, Permit to Alter a Building (on single-family house: kitchen remodel; wall and door alterations for basement office; wall and mechanical alteration for basement laundry; deck addition). APPLICATION NO. 2007/05/30/2553. FOR HEARING TODAY.
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(11) APPEAL NO. 07-101

DYNAMIC ACUPUNCTURE ACUPRESSURE CLINIC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	266 Sutter Street, 5 th Floor. Appealing a Notice of Violation dated June 6, 2007, addressed to Shek Kam Fai, regarding the establishment of a non-authorized massage establishment at the subject property. FOR HEARING TODAY.
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ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) APPEAL NO. 07-105

MAUREEN KENNEY & ROGER MWAMBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1536 Pacific Avenue. Protesting the issuance on June 11, 2007, to Mary Tom, Permit to Demolish a Building (one-story auto repair shop with 5,300sf of ground floor area). APPLICATION NO. 2004/12/02/0513. FOR HEARING TODAY.
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(12B) APPEAL NO. 07-106

MAUREEN KENNEY & ROGER MWAMBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1536 Pacific Avenue. Protesting the issuance on June 11, 2007, to Mary Tom, Permit to Erect a Building (four- story, six-unit residential/commercial building with 5,300sf of ground floor area). APPLICATION NO. 2004/12/02/0517. FOR HEARING TODAY.
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(13) APPEAL NO. 07-134

SUSAN LALLY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	376 Eureka Street. Protesting the issuance on July 25, 2007, to Kristina Baker, Site Permit to Alter a Building (on single-family house: remove roof and some walls; raise foundation; construct vertical and horizontal addition). APPLICATION NO. 2005/08/30/1650S. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 13, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 – THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at soft@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES -- WEDNESDAY, SEPTEMBER 19, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randal Knox, Vice President Michael Garcia, Commissioner Katharine Albright, Commissioner Frank Fung, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Edward Sweeney, Senior Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Carla Short, Department of Public Works, Bureau of Urban Forestry (DPW, BUF); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist; and Virginia O'Rear, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Sylvia Gohnson.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

GOVERNMENT
DOCUMENTS DEPT

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(3) SPECIAL ITEM:

Presentation of City Attorney opinion regarding legal requirements for removal of Board members and Department Head for the Board of Appeals.

SPEAKERS: None.

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to reschedule the matter to 12/19/07 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on February 1, 2007. Last day to appeal was February 16, 2007. Jurisdiction request received May 4, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2004/06/15/6478S. Permit Holder: James Chan. Project: horizontal and vertical addition while adding 2nd dwelling unit.

(4c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on March 14, 2007. Last day to appeal was March 29, 2007. Jurisdiction request received June 7, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/03/14/6243. Permit Holder: James Chan. Project: revise egress stairs at rear per plans under BPA No. 2004/06/15/6478S.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to reschedule both matters to 10/10/07, with no further briefing, unless DBI's site visit warrants new briefing.

SPEAKERS: Stephen Williams, attorney for Requestor; David Silverman, attorney for permit holder; Edward Sweeney, Senior Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD).

PUBLIC COMMENT: None.

(4d) REHEARING REQUEST:

Subject property at 1039 Ocean Avenue. Letter from Roy Lam, appellant, requesting rehearing of Appeal No. 07-059, Lam dba "Quickly" vs. ZA, decided July 18, 2007. At that time, upon motion by Commissioner Haaland, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the Notice of Violation which states that the "Quickly" establishment at the subject property has not procured proper Planning Dept. authorization, in violation of Planning Code § 711.44.

ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to deny the Rehearing Request.

SPEAKERS: Roy Lam, Appellant, Tina Tam, Senior Planner, Planning Department (PD).

PUBLIC COMMENT: None.

(4e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 43D Dearborn Street. Permit issued on April 2, 2007. Last day to appeal was April 17, 2007. Jurisdiction request received on August 28, 2007. Letter from Sabrine Rodems & Koorosh Afshari, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/02/7858. Permit Holders: Enrico & Emilia Martin. Project: remove illegal unit, kitchen and bath; cap utilities at source.

ACTION: Upon motion by Commissioner Haaland, the Board voted 3 – 1 – 1 (Commissioner Fung dissented; Commissioner Albright absent) to continue the matter to 10/03/07.

SPEAKERS: Koorosh Afshari, Requestor; David Foran, attorney for Permit Holder; Edward Sweeney, Senior Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD).

PUBLIC COMMENT: None.

(4f) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 20 Villa Terrace. Permits issued on July 16, July 18, and July 19, 2007. Last day to appeal was July 31, August 2, and August 3, 2007, respectively. Jurisdiction requests received August 17, 2007. Letter from George Gomes, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/07/16/6810, Plumbing Permit No. PP2007/07/18/670, and Electrical Permit No. E2007/07/19/9821. Permit Holder: Peter Quintana. Project: removal of illegal unit; convert back to legal storage (building permit); demolish plumbing in illegal unit (plumbing permit); and remove wiring installed illegally in basement, and install subload center (electrical permit).

MEETING MINUTES, BOARD OF APPEALS, SEPTEMBER 19, 2007 - PAGE 4

ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to continue the matter to 10/03/07.

SPEAKERS: George Gomes, Requestor, Daniel Bornstein, attorney for permit holder; Edward Sweeney, Senior Building Inspector, Department of Building Inspection (DBI).

PUBLIC COMMENT: Scott Moore spoke in favor of the Requestor.

(4g) SPECIAL ITEM / JURISDICTION REQUEST:

Subject property at 943 Church Street. Partial suspension of permit effective on June 22, 2007. Last day to appeal was July 9, 2007. Jurisdiction request received on July 17, 2007. Letter from Kevin Cheng and Todd Mavis, requestors, asking that the Board take jurisdiction over the partial suspension of BPA No. 2005/06/14/5053 by the Dept. of Building Inspection at the request of the Zoning Administrator. Project: new vertical addition to single-family dwelling; create one new unit; and remodel unit. **Note:** On Aug. 1, 2007, the Board voted 3-1-1 to grant the jurisdiction request; four votes being required to grant jurisdiction, the request was denied. Public hearing closed; public comment limited to issues concerning rescission: a) discussion and possible action to rescind vote on jurisdiction request taken August 1, 2007 due to Commissioners' error; and (b) discussion and possible vote on whether to grant jurisdiction request to allow late filing of appeal. **Further Note:** If this jurisdiction request is granted, then Item 5, Appeal No. 07-155, Cheng & Mavis vs. DBI, may be heard on the merits.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 1 (Commissioner Haaland dissented) to grant the Jurisdiction Request. The Board proceeded to hear Item # 5, 07-155, on the merits.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) APPEAL NO. 07-155

KEVIN CHENG & TODD MAVIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	943 Church Street. Appealing the partial suspension on June 22, 2007, of Building Permit Application No. 2005/06/14/5053 by the Dept. of Building Inspection at the request of the Zoning Administrator. Project: new vertical addition to single-family dwelling; create one new unit; and remodel unit. FOR HEARING TODAY ONLY IF JURISDICTION IS GRANTED IN ITEM 4G.
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ACTION: Upon motion by Vice President Garcia, the Board voted 2 -3 (President Knox, Commissioner Albright and Commissioner Haaland dissented) to overrule the partial suspension on condition that as-built plans be accepted by the Department of Building Inspection (DBI) and that DBI ensure the subject penthouse has the lowest minimum headroom under the Code. Failed for lack of four votes – Partial suspension upheld.

SPEAKERS: Todd Mavis, co-appellant; Edward Sweeney, Senior Building Inspector, Dept. of Building Inspection (DBI), Tina Tam, Senior Planner, Planning Department (PD).

PUBLIC COMMENT: Sharon Bash, William Duke, Cynthia Gair, Ann Walker, Dan Orsine, John Orofino, Justine Juson, and Sylvia Gohnson spoke in favor of the DBI. Neil Sims spoke in favor of the appellant.

(6) APPEAL NO. 07-067

KAWBHC LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3099 – 22nd Street. Appealing a Letter of Determination dated April 24, 2007, addressed to Kathleen Welch, regarding a Notice of Special Restrictions (NSR) for the proposed new construction at the subject property and those adjacent lots that were originally formed from lot 034A. PUBLIC HEARING HELD & CLOSED ON AUGUST 1, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued in order to allow Commissioner Albright to participate in the final vote.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 1 (Commissioner Haaland dissented) to overrule the Zoning Administrator's Letter of Determination with findings to be adopted at a later time.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-063

JUAN ESCOBAR dba "GE TOWING", Appellant(s) vs. POLICE DEPARTMENT, Respondent	No specific subject property. Appealing the revocation on April 19, 2007, of Tow Car Firm Permit (P51). FOR HEARING TODAY.
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MEETING MINUTES, BOARD OF APPEALS, SEPTEMBER 19, 2007 - PAGE 6

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to overrule the revocation with a finding that the appeal is moot because the SFPD has reinstated the appellant's permit (tow car firm).

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 07-118

SAN FRANCISCO STERN GROVE COURT HOA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2790 – 19 th Avenue. Appealing the denial on July 1, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,956. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 3 – 1 – 1 (Vice President Garcia dissented, Commissioner Albright absent) to uphold the denial.

SPEAKERS: Carole Cullum, agent for Appellant; Carla Short, Department of Public Works Bureau of Urban Forestry (DPW BUF).

PUBLIC COMMENT: Sylvia Gohnson spoke but her testimony was unclear.

(9) APPEAL NO. 07-095

ELVA ZEPEDA & GRACIELA CUBAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3225 – 23 rd Street. Protesting the issuance on June 5, 2007, to Victor Meneses, Permit to Alter a Building (on four-unit building: remove studio on ground floor [illegal]; return back to garage; comply with NOV No. 200799376). APPLICATION NO. 2007/06/05/3046. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to 10/03/07 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 07-096**

DOUGLAS YEP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	951 Monterey Boulevard. Protesting the issuance on May 30, 2007, to Tina John, Permit to Alter a Building (on single-family house: kitchen remodel; wall and door alterations for basement office; wall and mechanical alteration for basement laundry; deck addition). APPLICATION NO. 2007/05/30/2553. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Albright absent) to uphold the permit.

SPEAKERS: Douglas Yep, appellant; Tina John, permit holder; Bert John, husband of permit holder.

PUBLIC COMMENT: Sylvia Gohnson spoke but her testimony was unclear.

(11) **APPEAL NO. 07-101**

DYNAMIC ACUPUNCTURE ACUPRESSURE CLINIC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	266 Sutter Street, 5 th Floor. Appealing a Notice of Violation dated June 6, 2007, addressed to Shek Kam Fai, regarding the establishment of a non-authorized massage establishment at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 2 – 2 – 1 (President Knox and Commissioner Haaland dissented, Commissioner Albright absent) to uphold the NOV.

SPEAKERS: Paul Horcher, attorney for appellant; Scott Sanchez, Planning Department (PD).

PUBLIC COMMENT: Sylvia Gohnson spoke but her testimony was unclear.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) APPEAL NO. 07-105

MAUREEN KENNEY & ROGER MWAMBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1536 Pacific Avenue. Protesting the issuance on June 11, 2007, to Mary Tom, Permit to Demolish a Building (one-story auto repair shop with 5,300sf of ground floor area). APPLICATION NO. 2004/12/02/0513. FOR HEARING TODAY.
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(12B) APPEAL NO. 07-106

MAUREEN KENNEY & ROGER MWAMBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1536 Pacific Avenue. Protesting the issuance on June 11, 2007, to Mary Tom, Permit to Erect a Building (four- story, six-unit residential/commercial building with 5,300sf of ground floor area). APPLICATION NO. 2004/12/02/0517. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 3 – 1 – 1 (Vice President Garcia dissented, Commissioner Albright absent) to continue both matters to 10/03/07, and for the parties to continue negotiations.

SPEAKERS: Kevin Staples, agent for appellants; Scott Emblidge, attorney for permit holder; Tony Kim, agent for permit holder; Andrew Gregg, agent for Permit Holder.

PUBLIC COMMENT: Matt Treadway spoke in favor of the permit holder. Sylvia Gohnson spoke but her testimony was unclear.

(13) APPEAL NO. 07-134

SUSAN LALLY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	376 Eureka Street. Protesting the issuance on July 25, 2007, to Kristina Baker, Site Permit to Alter a Building (on single-family house: remove roof and some walls; raise foundation; construct vertical and horizontal addition). APPLICATION NO. 2005/08/30/1650S. FOR HEARING TODAY.
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MEETING MINUTES, BOARD OF APPEALS, SEPTEMBER 19, 2007 - PAGE 9

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to 11/14/07.

SPEAKERS: Kristina Baker, Permit Holder.

PUBLIC COMMENT: None.

There being no further business, President Knox adjourned the meeting at 11:10 pm.

Board of Appeals

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October 03, 2007

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BOARD OF APPEALS

OCT 27 2008

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AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 3, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 20 Villa Terrace. Permits issued on July 16, July 18, and July 19, 2007. Last day to appeal was July 31, August 2, and August 3, 2007, respectively. Jurisdiction requests received August 17, 2007. Letter from George Gomes, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/07/16/6810, Plumbing Permit No. PP2007/07/18/670, and Electrical Permit No. E2007/07/19/9821. Permit Holder: Peter Quintana. Project: removal of illegal unit; convert back to legal storage (building permit); demolish plumbing in illegal unit (plumbing permit); and remove wiring installed illegally in

basement, and install subload center (electrical permit). **Note: Public hearing held and closed on Sept. 19, 2007. For further consideration today.**

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 43D Dearborn Street. Permit issued on April 2, 2007. Last day to appeal was April 17, 2007. Jurisdiction request received on August 28, 2007. Letter from Sabine Rodems & Koorosh Afshari, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/02/7858. Permit Holders: Enrico & Emilia Martin. Project: remove illegal unit, kitchen and bath; cap utilities at source. **Note: Public hearing held and closed on Sept. 19, 2007. For further consideration today.**

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile – Omnipoint.

(3d) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

(3e) REHEARING REQUEST:

Subject property at 373 Castenada Avenue. Letter from Maria Elena Hanley, co-appellant, requesting rehearing of Appeal No. 07-036, Hanley vs. DPW BUF, decided July 11, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Fung dissented) to uphold the denial of the tree removal permit on condition that the DPW BUF monitor the trees annually, with said monitoring to alternate with the annual monitoring by the Forest Hills Association.

(3f) REHEARING REQUEST:

Subject property at 1407-1435 Market Street. Letter from Sue Hestor, attorney for Jazzie Collins, appellant, requesting rehearing of Appeal No. 07-052, Collins vs. PC, decided August 29, 2007. At that time, upon motion by Vice President Garcia, the Board voted 3-2 (President Knox & Commissioner Haaland dissented) to uphold the Planning Code §309 adoption of findings. Motion Holder: Tenth & Market LLC. Project: adoption of findings on April 5, 2007, related to the approval of a Planning Code § 309 determination of compliance and request for exceptions for the construction of a residential project containing approximately 719 dwelling units, approximately 19,000sf of retail space, and a garage with a capacity of up to 593 parking spaces; Planning Commission Motion No. 17414.

(3g) REHEARING REQUEST:

Subject property at 1407-1435 Market Street, & 16-70 – 10th Street. Letter from Sue Hestor, attorney for Jazzie Collins, appellant, requesting rehearing of Appeal No. V07-111, Collins vs. ZA, decided August 29, 2007. At that time, upon motion by Vice President Garcia, the Board voted 3-2 (President Knox & Commissioner Haaland dissented) to uphold the granting of the subject variances. Variance Holder: Tenth & Market LLC. Project: Elevator Penthouse Height Exemption, Usable Open Space Dimension, Dwelling Unit Exposure, Hazard-Level Wind, and Loading Entry Variances (construction of two buildings sharing a common base and containing approximately 719 dwelling units, approximately 19,000sf of retail space, and a garage with a capacity of up to 593 parking spaces); Variance Case No. 2006.0584V.

(3h) REHEARING REQUEST:

Subject property at 838 Alabama Street. Letter from Tony Fu, appellant, requesting rehearing of Appeal No. 07-072, Fu vs. DBI, PDA, decided August 29, 2007. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (President Knox recused) to uphold the subject permit. Permit Holder: Jersey St. Associates LLC. Project: on single-family house; consolidate under single permit all work previously shown under BPA Nos. 2006/03/22/7327, 2006/04/20/9476, 2006/05/03/0499, 2006/05/03/0547, and 2006/05/12/1526; new work not shown previously (clearly) for notification includes raising building 18 inches, infilling light well at north side, and developing basement into habitable space); BPA No. 2006/11/15/7736S.

(3i) ADOPTION OF FINDINGS:

Subject property at 67 Madrone Avenue. Appeal No. 07-090, McClendon vs. DBI, PCD, decided Sept. 12, 2007, At that time, upon motion by President Knox, the Board

voted 5-0 to overrule the denial, and grant the permit with findings to be adopted at a later date. Section 14 Party: Daniel Walsh. Project: on single-family house, add new bedroom and bathroom on 1st floor; remodel existing kitchen and relocate existing bedroom on 2nd floor; add new master bedroom and bathroom on 3rd floor; BPA No. 2006/10/06/4439S.

(3j) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 597-599 – 26th Avenue. Variance granted on Sept. 4, 2007. Last day to appeal was Sept. 14, 2007. Jurisdiction request received Sept. 17, 2007. Letter from Richard Hurlburt, requestor, asking that the Board take jurisdiction over Variance Case No. 2007.0085V. Variance Holder: Alex Dabiza. Project: construct a three-story horizontal addition within the rear yard.

(3k) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 259-261-263 Bartlett Street. Permit issued on August 17, 2007.. Last day to appeal was Sept. 4, 2007. Jurisdiction request received Sept. 17, 2007. Letter from Christmas Leubrie, Alice Heimsoth, Barbara Ward & Herminia Albarran-Romero, requestors, asking that the Board take jurisdiction over BPA No. 2007/08/02/8574. Permit Holder: Derring-Throne Inc. Project: foundation upgrade, 1st floor framing upgrade to accommodate installation of garages; new shear wall upgrade in garage; repair backstairs; no work on exterior elevation to be done.

(4) APPEAL NO. 07-104

JACOB BRETTTHOLZ, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the permanent bar from grant/issuance of taxicab permit (A-card). FOR HEARING TODAY.
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(5) APPEAL NO. 06-202

JEFFREY KRAMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	591-599 Guerrero Street. Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment). APPLICATION NO. 2006/05/19/2075.
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	FOR HEARING TODAY.
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(6) **APPEAL NO. 07-048**

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to seek a settlement with the adjacent neighbors, to submit revised plans, and for the Planning Department to review the matter.
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(7) **APPEAL NO. 07-060**

WILBUR WOO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2116 Irving Street. Appealing a Notice of Violation dated April 23, 2007, addressed to Wilbur Woo & Dolores Revo, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4. FOR REHEARING TODAY. Note: On August 1, 2007, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the NOV. On August 29, 2007, the Board voted 5-0 to grant the appellant's rehearing request, and to set the rehearing for October 3, 2007.
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ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:**(8A) APPEAL NO. 07-105**

MAUREEN KENNEY & ROGER MWAMBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1536 Pacific Avenue. Protesting the issuance on June 11, 2007, to Mary Tom, Permit to Demolish a Building (one-story auto repair shop with 5,300sf of ground floor area). APPLICATION NO. 2004/12/02/0513. PUBLIC HEARING HELD & CLOSED ON SEPT. 19, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to continue settlement negotiations.
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(8B) APPEAL NO. 07-106

MAUREEN KENNEY & ROGER MWAMBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1536 Pacific Avenue. Protesting the issuance on June 11, 2007, to Mary Tom, Permit to Erect a Building (four-story, six-unit residential/commercial building with 5,300sf of ground floor area). APPLICATION NO. 2004/12/02/0517. PUBLIC HEARING HELD & CLOSED ON SEPT. 19, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to continue settlement negotiations.
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(9) APPEAL NO. 07-095

ELVA ZEPEDA & GRACIELA CUBAS, Appellant(s) vs.	3225 – 23 rd Street. Protesting the issuance on June 5, 2007, to Victor Meneses, Permit to Alter a Building (on four-unit building: remove
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DEPT. OF BUILDING INSPECTION, Respondent	studio on ground floor [illegal]; return back to garage; comply with NOV No. 200799376). APPLICATION NO. 2007/06/05/3046. FOR HEARING TODAY.
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(10) **APPEAL NO. 07-109**

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	455 – 27 th Street. Protesting the issuance on June 29, 2007, to David Bartenwerfer, Permit to Alter a Building (on single-family house: revision to approved BPA No. 2005/10/17/5751; flatten rear portion of roof). APPLICATION NO. 2007/06/29/5537. FOR HEARING TODAY.
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(11) **APPEAL NO. 07-110**

CLAIRE ZVANSKI, ANITA SEGHETTI, WENDY & BOB SMITHERS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	145 Edinburgh Street. Protesting the issuance on June 27, 2007, to Alfred Lee, Electrical Permit (furnish and install one automatic garage door opener). APPLICATION NO. E2007/06/27/9190. FOR HEARING TODAY.
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(12) **APPEAL NO. 07-114**

PATRICIA DELORES AMANTEA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	466 London Street. Protesting the issuance on June 27, 2007, to Manuel & Aurora Langit, Permit to Alter a Building (on single-family house: proposed remodel; horizontal front and rear addition; third floor vertical addition). APPLICATION NO. 2005/05/09/1848S.
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	FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 27, 2007**

MEMBERS OF THE BOARD OF APPEALS
--

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related

disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruhl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 3, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, and Commissioner Katharine Albright.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Edward Sweeney, Senior Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Heidi Machen, Executive Director, Taxi Commission (TC); Robert Feldman, Executive Secretary; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist; Easteller Bruhl, Official Court Reporter.

ABSENT: Commissioner Robert Haaland.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: David Pilpel asked the Board to continue to work on its revisions to rules.

Gene Eplett representing Supervisor Alioto, commented on the permit process.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 20 Villa Terrace. Permits issued on July 16, July 18, and July 19, 2007. Last day to appeal was July 31, August 2, and August 3, 2007, respectively. Jurisdiction requests received August 17, 2007. Letter from George Gomes, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/07/16/6810, Plumbing Permit No. PP2007/07/18/670, and Electrical Permit No. E2007/07/19/9821. Permit Holder: Peter Quintana. Project: removal of illegal unit; convert back to legal storage (building permit); demolish plumbing in illegal unit (plumbing permit); and remove wiring installed illegally in basement, and install subload center (electrical permit). **Note: Public hearing held and closed on Sept. 19, 2007. For further consideration today.**

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 -1 (Commissioner Haaland absent) to grant the Jurisdiction Request, and to schedule the appeal for November 14, 2007.

SPEAKERS: Peter Quintana, Permit Holder; Scott Moore, Agent for Requestor; George Gomes, Requestor; Edward Sweeney, DBI.

PUBLIC COMMENT: Gene Eplett spoke in favor of the requestor.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 43D Dearborn Street. Permit issued on April 2, 2007. Last day to appeal was April 17, 2007. Jurisdiction request received on August 28, 2007. Letter from Sabrine Rodems & Koorosh Afshari, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/02/7858. Permit Holders: Enrico & Emilia Martin. Project: remove illegal unit, kitchen and bath; cap utilities at source. **Note: Public hearing held and closed on Sept. 19, 2007. For further consideration today.**

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 -1 (Commissioner Haaland absent) to reschedule the matter to 10/24/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

MEETING MINUTES - WEDNESDAY, OCTOBER 3, 2007 - PAGE 3

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile – Omnipoint.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to 11/14/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3d) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to 11/14/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3e) REHEARING REQUEST:

Subject property at 373 Castenada Avenue. Letter from Maria Elena Hanley, co-appellant, requesting rehearing of Appeal No. 07-036, Hanley vs. DPW BUF, decided July 11, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Fung dissented) to uphold the denial of the tree removal permit on condition that the DPW BUF monitor the trees annually, with said monitoring to alternate with the annual monitoring by the Forest Hills Association.

ACTION: Withdrawn by the Appellants.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3f) REHEARING REQUEST:

Subject property at 1407-1435 Market Street. Letter from Sue Hestor, attorney for Jazzie Collins, appellant, requesting rehearing of Appeal No. 07-052, Collins vs. PC, decided August 29, 2007. At that time, upon motion by Vice President Garcia, the Board voted 3-2 (President Knox & Commissioner Haaland dissented) to uphold the Planning Code §309 adoption of findings. Motion Holder: Tenth & Market LLC. Project: adoption of findings on April 5, 2007, related to the approval of a Planning Code § 309 determination of compliance and request for exceptions for the construction of a residential project containing approximately 719 dwelling units, approximately 19,000sf of retail space, and a garage with a capacity of up to 593 parking spaces; Planning Commission Motion No. 17414.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to deny the Request for Rehearing.

SPEAKERS: Sue Hestor, Attorney for Appellant; Tim Tosta, Attorney for Motion Holder.

PUBLIC COMMENT: None.

(3g) REHEARING REQUEST:

Subject property at 1407-1435 Market Street, & 16-70 – 10th Street. Letter from Sue Hestor, attorney for Jazzie Collins, appellant, requesting rehearing of Appeal No. V07-111, Collins vs. ZA, decided August 29, 2007. At that time, upon motion by Vice President Garcia, the Board voted 3-2 (President Knox & Commissioner Haaland dissented) to uphold the granting of the subject variances. Variance Holder: Tenth & Market LLC. Project: Elevator Penthouse Height Exemption, Usable Open Space Dimension, Dwelling Unit Exposure, Hazard-Level Wind, and Loading Entry Variances (construction of two buildings sharing a common base and containing approximately 719 dwelling units, approximately 19,000sf of retail space, and a garage with a capacity of up to 593 parking spaces); Variance Case No. 2006.0584V.

ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 1 – 1 (President Knox dissented and Commissioner Haaland absent) to deny the Request of Rehearing.

SPEAKERS: Sue Hestor, Attorney for Appellant; Tim Tosta, Attorney for Variance Holder.

PUBLIC COMMENT: None.

(3h) REHEARING REQUEST:

Subject property at 838 Alabama Street. Letter from Tony Fu, appellant, requesting rehearing of Appeal No. 07-072, Fu vs. DBI, PDA, decided August 29, 2007. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (President Knox recused) to uphold the subject permit. Permit Holder: Jersey St. Associates LLC. Project: on single-family house; consolidate under single permit all work previously shown under BPA Nos. 2006/03/22/7327, 2006/04/20/9476, 2006/05/03/0499, 2006/05/03/0547, and 2006/05/12/1526; new work not shown previously (clearly) for notification includes raising building 18 inches, infilling light well at north side, and developing basement into habitable space); BPA No. 2006/11/15/7736S.

ACTION: Upon motion by Commissioner Albright, the Board voted 3 -1 – 1 (President Knox recused and Commissioner Haaland absent) to reschedule the matter to 11/14/07 due to lack of quorum.

SPEAKER: Tony Fu, Requestor/Appellant.

PUBLIC COMMENT: None.

(3i) ADOPTION OF FINDINGS:

Subject property at 67 Madrone Avenue. Appeal No. 07-090, McClendon vs. DBI, PCD, decided Sept. 12, 2007, At that time, upon motion by President Knox, the Board voted 5-0 to overrule the denial, and grant the permit with findings to be adopted at a later date. Section 14 Party: Daniel Walsh. Project: on single-family house, add new bedroom and bathroom on 1st floor; remodel existing kitchen and relocate existing bedroom on 2nd floor; add new master bedroom and bathroom on 3rd floor; BPA No. 2006/10/06/4439S.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to adopt the findings.

SPEAKER: Joel Yodowitz, Attorney for Appellant.

PUBLIC COMMENT: None.

(3j) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 597-599 – 26th Avenue. Variance granted on Sept. 4, 2007. Last day to appeal was Sept. 14, 2007. Jurisdiction request received Sept. 17, 2007. Letter from Richard Hurlburt, requestor, asking that the Board take jurisdiction over Variance Case No. 2007.0085V. Variance Holder: Alex Dabiza. Project: construct a three-story horizontal addition within the rear yard.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to deny the Jurisdiction Request.

SPEAKERS: Lilian Dabiza, Wife of Requestor; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(3k) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 259-261-263 Bartlett Street. Permit issued on August 17, 2007. Last day to appeal was Sept. 4, 2007. Jurisdiction request received Sept. 17, 2007. Letter from Christmas Leubrie, Alice Heimsoth, Barbara Ward & Herminia Albarran-Romero, requestors, asking that the Board take jurisdiction over BPA No. 2007/08/02/8574. Permit Holder: Dering-Throne Inc. Project: foundation upgrade, 1st floor framing upgrade to accommodate installation of garages; new shear wall upgrade in garage; repair backstairs; no work on exterior elevation to be done.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to grant the Jurisdiction Request.

SPEAKERS: Raquel Fox, Attorney for Requestors; Adam Throne, Agent for Permit Holder; Edward Sweeney, DBI.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07-104

JACOB BRETTHOLZ, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the permanent bar from grant/issuance of taxicab permit (A-card). FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 1 – 1 (President Knox dissented and Commissioner Haaland absent) to uphold the permanent bar from the grant/issuance of A – Card.

SPEAKERS: Heidi Machen, TC; Ron Reynolds, SFPD; Jacob Brettholz, Appellant.

PUBLIC COMMENT: David Pilpel spoke in favor of the Taxi Commission.

(5) APPEAL NO. 06-202

JEFFREY KRAMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	591-599 Guerrero Street. Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment). APPLICATION NO. 2006/05/19/2075. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to 11/14/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 07-048

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44 th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to seek a settlement with the adjacent neighbors, to submit revised plans, and for the Planning Department to review the matter.
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ACTION: Upon motion by President Knox, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to 10/24/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-060

WILBUR WOO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2116 Irving Street. Appealing a Notice of Violation dated April 23, 2007, addressed to Wilbur Woo & Dolores Revo, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4. FOR REHEARING TODAY. Note: On August 1, 2007, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the NOV. On August 29, 2007, the Board voted 5-0 to grant the appellant's rehearing request, and to set the rehearing for October 3, 2007.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule to matter to 11/7/07, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 07-105

MAUREEN KENNEY & ROGER MWAMBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1536 Pacific Avenue. Protesting the issuance on June 11, 2007, to Mary Tom, Permit to Demolish a Building (one-story auto repair shop with 5,300sf of ground floor area). APPLICATION NO. 2004/12/02/0513. PUBLIC HEARING HELD & CLOSED ON SEPT. 19, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to continue settlement negotiations.
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ACTION: Withdrawn by the Appellants.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8B) APPEAL NO. 07-106

MAUREEN KENNEY & ROGER MWAMBA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1536 Pacific Avenue. Protesting the issuance on June 11, 2007, to Mary Tom, Permit to Erect a Building (four-story, six-unit residential/commercial building with 5,300sf of ground floor area). APPLICATION NO. 2004/12/02/0517. PUBLIC HEARING HELD & CLOSED ON SEPT. 19, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to continue settlement negotiations.
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ACTION: Withdrawn by the Appellants

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-095

ELVA ZEPEDA & GRACIELA CUBAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3225 – 23 rd Street. Protesting the issuance on June 5, 2007, to Victor Meneses, Permit to Alter a Building (on four-unit building: remove studio on ground floor [illegal]; return back to garage; comply with NOV No. 200799376). APPLICATION NO. 2007/06/05/3046. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to 6/4/08, to allow time for appellants to seek a new apartment.

SPEAKERS: Raquel Fox, Attorney for Appellants; David Butler, Attorney for Permit Holder; Scott Sanchez, PD; Edward Sweeney, DBI.

PUBLIC COMMENT: None.

(10) APPEAL NO. 07-109

GEORGIA SCHUTTISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	455 – 27 th Street. Protesting the issuance on June 29, 2007, to David Bartenwerfer, Permit to Alter a Building (on single-family house: revision to approved BPA No. 2005/10/17/5751; flatten rear portion of roof). APPLICATION NO. 2007/06/29/5537. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to uphold the permit.

SPEAKERS: Georgia Schuttish, Appellant; David Bartenwerfer, Permit Holder.

PUBLIC COMMENT: Pablo Gomez spoke in favor of the permit holder.

(11) APPEAL NO. 07-110

CLAIRE ZVANSKI, ANITA SEGHETTI, WENDY & BOB SMITHERS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	145 Edinburgh Street. Protesting the issuance on June 27, 2007, to Alfred Lee, Electrical Permit (furnish and install one automatic garage door opener). APPLICATION NO. E2007/06/27/9190. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to uphold the permit.

SPEAKERS: Appellants did not appear.

PUBLIC COMMENT: None.

(12) APPEAL NO. 07-114

PATRICIA DELORES AMANTEA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	466 London Street. Protesting the issuance on June 27, 2007, to Manuel & Aurora Langit, Permit to Alter a Building (on single-family house: proposed remodel; horizontal front and rear addition; third floor vertical addition). APPLICATION NO. 2005/05/09/1848S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to uphold the permit.

SPEAKERS: Patricia Amantea, Appellant; Adolfo Alano, Agent for Permit Holder; Edward Sweeney, DBI; Aurora Langit, Co – Permit Holder.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further Business, President Knox, adjourned the meeting at 8:51 p.m.

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter.

Board of Appeals

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October 10, 2007 (Cancelled Meeting)

NOTICE OF CANCELLED MEETING

The Board of Appeals has **CANCELLED** the meeting of October 10, 2007. All appeals previously scheduled for October 10, 2007 shall be rescheduled to various dates in the future.

The next regular meeting is scheduled for **Wednesday, October 17, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **October 4, 2007**

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BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 17, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1675 – 11th Avenue. Permit issued on February 1, 2007. Last day to appeal was February 16, 2007. Jurisdiction request received May 4, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2004/06/15/6478S. Permit Holder: James Chan. Project: horizontal and vertical addition while adding 2nd dwelling unit.

(3b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1675 – 11th Avenue. Permit issued on March 14, 2007. Last day to appeal was March 29, 2007. Jurisdiction request received June 7, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/03/14/6243. Permit Holder: James Chan. Project: revise egress stairs at rear per plans under BPA No. 2004/06/15/6478S.

(3c) ADOPTION OF FINDINGS:

Subject property at 3099 – 22nd Street. Appeal No. 07-067, KAWBHC LLC vs. ZA, decided Sept. 19, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule the Letter of Determination with findings to be adopted at a later date. Determination: regarding a Notice of Special Restrictions (NSR) for the proposed new construction at the subject property and those adjacent lots that were originally formed from lot 034A.

(3d) REHEARING REQUEST:

Subject property at 266 Sutter Street, 5th Floor. Letter from Arthur Liu, attorney for Dynamic Acupuncture & Acupressure Clinic, appellant, requesting rehearing of Appeal No. 07-101, D.A.A.C. vs. ZA, decided Sept. 19, 2007. At that time, upon motion by Vice President Garcia, the Board voted 2-2-1 (President Knox and Commissioner Haaland dissented, Commissioner Albright absent) to uphold the subject Notice of Violation (NOV) regarding the establishment of a non-authorized massage establishment at the subject property. Four votes being required to overturn a departmental action under the City Charter, the subject NOV was upheld.

(4) APPEAL NO. 07-126

AZAR BROTHERS INC. dba "CIGARETTES FOR LESS", Appellant(s) vs.	1053 Market Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 11, 2007. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-07-167. FOR HEARING TODAY.
DEPT. OF PUBLIC HEALTH, Respondent	

(5) APPEAL NO. 07-075

CHEOL HOON LEE & TONY LEE, Appellant(s) vs.	2283-2297 Market Street. Protesting the issuance on May 9, 2007, to Clear Channel Outdoor, Permit to Alter a
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DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	Building (on commercial building: voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time). APPLICATION NO. 2007/05/09/0828. FOR HEARING TODAY.
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(6) **APPEAL NO. 07-108**

ADVSTERTISING DISPLAY SYSTEMS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Sign Owner: CLEAR CHANNEL OUTDOOR	2498 Lombard Street. Appealing a Letter of Determination dated June 20, 2007, addressed to Gerald Murphy at Luce Forward LLC, regarding the legality of the general advertising sign at the subject property. FOR HEARING TODAY.
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(7) **APPEAL NO. 07-121**

ASA MURPHY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3921 – 21 st Street. Protesting the issuance on July 9, 2007, to Pamela Meuser, Site Permit to Alter a Building (on single-family house: add upper floor with one bedroom and one bath). APPLICATION NO. 2005/12/23/0981S. FOR HEARING TODAY.
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(8) **APPEAL NO. 07-122**

SONDRA LEQVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	331 Filbert Street. Protesting the issuance on July 9, 2007, to Peter Dwares, Site Permit to Alter a Building (on three-unit apartment building: addition of elevator at rear of building). APPLICATION NO. 2004/07/30/0251S. FOR HEARING TODAY.
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ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:**(9A) APPEAL NO. 07-123**

S.D. SCANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	23 Belmont Avenue. Protesting the issuance on July 16, 2007, to Belmont Court LLC, Permit to Alter a Building (on single-family house: landscape retaining walls in rear yard). APPLICATION NO. 2007/07/16/6884. FOR HEARING TODAY.
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(9B) APPEAL NO. 07-141

S.D. SCANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	23 Belmont Avenue. Protesting the issuance on August 6, 2007, to Belmont Court LLC, Permit to Alter a Building (on single-family house: parapet around lower roof; change window to door; parapet on southwest corner – approx. 10' long and 6' wide; no structural changes needed; height of parapet approx. 36" from height of interior finished floor; "as is" revision to BPA No. 2006/10/25/5991). APPLICATION NO. 2007/08/06/8855. FOR HEARING TODAY.
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(10) APPEAL NO. 07-125

SONDRA LEQVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	110 Alta Street. Protesting the issuance on July 9, 2007, to Peter Dwares, Site Permit to Alter a Building (on three-unit apartment building: in-fill addition at 2nd floor at rear of building). APPLICATION NO. 2004/07/30/0249S. FOR HEARING TODAY.
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(11) **APPEAL NO. 07-128**

LINDA ERKELENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1801 Turk Street. Protesting the issuance on July 18, 2007, to Clear Channel Outdoor, Permit to Alter a Building (on 21-unit apartment building: voluntary removal, razing and demolition of non-conforming, non-complying general advertising sign per plans). APPLICATION NO. 2007/06/28/5493. FOR HEARING TODAY.
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(12) **APPEAL NO. 07-129**

KOON KOON LOUIE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3811-3813 – 18 th Street. Protesting the issuance on July 16, 2007, to Anthony Richardson, Permit to Alter a Building (on two-unit building: replace roof with shallower slope and maintain riddle; construct three new bedrooms and one bath at new third floor; add garage to first floor; relocate first floor bed/living room and kitchen to rear of building; replace existing aluminum siding; new 53sf entry porch at front; new 55sf elevated deck at rear). APPLICATION NO. 2005/08/22/0779S. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 11, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received

before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine

Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 17, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Cecilia Mangoba, (DPH/EHS); Robert Feldman, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

ABSENT: Commissioner Frank Fung.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Monio Pilpel and Silvia Johnson.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(2) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on February 1, 2007. Last day to appeal was February 16, 2007. Jurisdiction request received May 4, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2004/06/15/6478S. Permit Holder: James Chan. Project: horizontal and vertical addition while adding 2nd dwelling unit.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1675 – 11th Avenue. Permit issued on March 14, 2007. Last day to appeal was March 29, 2007. Jurisdiction request received June 7, 2007. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/03/14/6243. Permit Holder: James Chan. Project: revise egress stairs at rear per plans under BPA No. 2004/06/15/6478S.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to continue both matters to 10/24/07 with the public hearing closed.

SPEAKERS: Rose Tom – Tsai, requestor; David Silverman, attorney for permit holder; Scott Sanchez, PD; Jimmy Chan, permit holder.

PUBLIC COMMENT: Sean Keishran, Angus McCarthy, John O'Connor, and Silvia Johnson spoke in favor of the requestor.

(3c) ADOPTION OF FINDINGS:

Subject property at 3099 – 22nd Street. Appeal No. 07-067, KAWBHC LLC vs. ZA, decided Sept. 19, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule the Letter of Determination with findings to be adopted at a later date. Determination: regarding a Notice of Special Restrictions (NSR) for the proposed new construction at the subject property and those adjacent lots that were originally formed from lot 034A.

ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 1 – 1 (Commissioner Haaland dissented and Commissioner Fung absent) to adopt the findings as amended.

SPEAKERS: None.

PUBLIC COMMENT: Silvia Johnson spoke in favor of the ZA.

(3d) REHEARING REQUEST:

Subject property at 266 Sutter Street, 5th Floor. Letter from Arthur Liu, attorney for Dynamic Acupuncture & Acupressure Clinic, appellant, requesting rehearing of Appeal No. 07-101, D.A.A.C. vs. ZA, decided Sept. 19, 2007. At that time, upon motion by Vice President Garcia, the Board voted 2-2-1 (President Knox and Commissioner Haaland dissented, Commissioner Albright absent) to uphold the subject Notice of Violation (NOV) regarding the establishment of a non-authorized massage establishment at the subject property. Four votes being required to overturn a departmental action under the City Charter, the subject NOV was upheld.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to reschedule the matter to 12/12/07 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07-126

AZAR BROTHERS INC.
dba "CIGARETTES FOR LESS", Appellant(s)
vs.

DEPT. OF PUBLIC HEALTH, Respondent

1053 Market Street.

Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 11, 2007. Reason(s) for suspension: selling tobacco products to minors.

DIRECTOR'S CASE NO. FD-07-167.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 2 – 2 – 1 (President Knox and Vice President Garcia dissented and Commissioner Fung absent) to overrule the Department of Public Health and impose a 25 – day suspension. Motion failed for lack of four votes and the Department of Public Health's 15 – day suspension was upheld.

SPEAKERS: Cecilia Mangoba, DPH; Robert Ziegler, SFPD; Rachel Mahoney, SFPD decoy; Samer Danfouna, attorney for appellant.

PUBLIC COMMENT: Emad Hamash through translator Azar Azar, and Silvia Johnson spoke in favor of the appellant.

(5) APPEAL NO. 07-075

CHEOL HOON LEE & TONY LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2283-2297 Market Street. Protesting the issuance on May 9, 2007, to Clear Channel Outdoor, Permit to Alter a Building (on commercial building: voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time). APPLICATION NO. 2007/05/09/0828. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board 4 – 0 -1 (Commissioner Fung absent) to revoke the permit with findings to be adopted at a later date.

SPEAKERS: Tony Lee, co-appellant; Brett Gladstone, attorney for appellant; Laura Toncheff, attorney for permit holder; Ken Finney, attorney for permit holder; Christine Van Aiken, OCA; Scott Sanchez, PD.

PUBLIC COMMENT: JD Petras, Jeremy Paul, Janan New, Ken Cleaveland, Hun Kim, Petra Chavez, Brook Turner, Pat Buscovich, Andrew Long, Alan Escoveda; Joe Harner, Robert Klausner, Anthony Azzolini, Philip Fernandez, Abol Hosseinionin, Giles Desaulniers, Ray Barroca, Jennifer Toy, and Ron Dion spoke in favor of the appellant.

(6) APPEAL NO. 07-108

ADVSERTISING DISPLAY SYSTEMS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Sign Owner: CLEAR CHANNEL OUTDOOR	2498 Lombard Street. Appealing a Letter of Determination dated June 20, 2007, addressed to Gerald Murphy at Luce Forward LLC, regarding the legality of the general advertising sign at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia the Board voted 4 – 0 – 1 (Commissioner Fung absent) to uphold the Zoning Administrator letter of the determination.

SPEAKERS: Scott Sanchez, PD; Gerald Murphy, attorney for appellant; Patrick Tinsley, agent for appellant; Pat Buscovich, agent for appellant, Ken Finney, attorney for sign owner; Rodrigo Santos, agent for sign owner; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-121

ASA MURPHY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3921 – 21 st Street. Protesting the issuance on July 9, 2007, to Pamela Meuser, Site Permit to Alter a Building (on single-family house: add upper floor with one bedroom and one bath). APPLICATION NO. 2005/12/23/0981S. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to uphold the permit.

SPEAKERS: Steve Williams, attorney for permit holder; appellant did not appear.

PUBLIC COMMENT: None.

(8) APPEAL NO. 07-122

SONDRA LEQVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	331 Filbert Street. Protesting the issuance on July 9, 2007, to Peter Dwares, Site Permit to Alter a Building (on three-unit apartment building: addition of elevator at rear of building). APPLICATION NO. 2004/07/30/0251S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to reschedule the matter to 12/12/07 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 07-123

S.D. SCANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	23 Belmont Avenue. Protesting the issuance on July 16, 2007, to Belmont Court LLC, Permit to Alter a Building (on single-family house: landscape retaining walls in rear yard). APPLICATION NO. 2007/07/16/6884. FOR HEARING TODAY.
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(9B) APPEAL NO. 07-141

S.D. SCANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	23 Belmont Avenue. Protesting the issuance on August 6, 2007, to Belmont Court LLC, Permit to Alter a Building (on single-family house: parapet around lower roof; change window to door; parapet on southwest corner – approx. 10' long and 6' wide; no structural changes needed; height of parapet approx. 36" from height of interior finished floor; "as is" revision to BPA No. 2006/10/25/5991). APPLICATION NO. 2007/08/06/8855. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to uphold both permits.

SPEAKERS: S.D. Scannon, appellant; Joel Yodowitz, attorney for permit holder; Scott Sanchez, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: Nigel Chanter spoke in favor of the permit holder.

(10) APPEAL NO. 07-125

SONDRA LEQVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	110 Alta Street. Protesting the issuance on July 9, 2007, to Peter Dwares, Site Permit to Alter a Building (on three-unit apartment building: in-fill addition at 2 nd floor at rear of building). APPLICATION NO. 2004/07/30/0249S. FOR HEARING TODAY.
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MEETING MINUTES - WEDNESDAY, OCTOBER 17, 2007 - PAGE 7

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to reschedule the matter to 12/12/07 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

APPEAL NO. 07-128

LINDA ERKELENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1801 Turk Street. Protesting the issuance on July 18, 2007, to Clear Channel Outdoor, Permit to Alter a Building (on 21-unit apartment building: voluntary removal, razing and demolition of non-conforming, non-complying general advertising sign per plans). APPLICATION NO. 2007/06/28/5493. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to continue the matter to 12/12/07 with the public hearing closed, to allow time for the parties to negotiate.

SPEAKERS: Linda Erkelens, appellant; Brett Gladstone, attorney for appellant; Ken Finney attorney for permit holder; Scott Sanchez, PD; Laurence Kornfield, DBI; Christine Van Aiken, OCA; Laura Toncheff, attorney for permit holder;

PUBLIC COMMENT: Jennifer Toy and Pat Buscovich spoke in favor of the appellant.

(12) APPEAL NO. 07-129

KOON KOON LOUIE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3811-3813 – 18 th Street. Protesting the issuance on July 16, 2007, to Anthony Richardson, Permit to Alter a Building (on two-unit building: replace roof with shallower slope and maintain riddle; construct three new bedrooms and one bath at new third floor; add garage to first floor; relocate first floor bed/living room and kitchen to rear of building; replace existing aluminum siding; new 53sf entry porch at front; new 55sf elevated deck at rear). APPLICATION NO. 2005/08/22/0779S. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to uphold the permit.

SPEAKERS: Koon Koon Louie, appellant; Dorothy Wong, translator for appellant; Anthony Richardson, permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: So King Yan through translator, Dorothy Wong and Silvia Johnson spoke in favor of the appellant.

ADJOURNMENT.

There being no further business, President Knox adjourned the meeting at 11:40 pm.

Board of Appeals

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BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 24, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 43D Dearborn Street. Permit issued on April 2, 2007. Last day to appeal was April 17, 2007. Jurisdiction request received on August 28, 2007. Letter from Sabrine Rodems & Koorosh Afshari, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2007/04/02/7858. Permit Holders: Enrico & Emilia Martin. Project: remove illegal unit, kitchen and bath; cap utilities at source. **Note: Public hearing held and closed on Sept. 19, 2007. For further consideration today.**

(3b) **JURISDICTION REQUESTS TO ALLOW LATE FILING OF APPEALS:**

Subject property at 1675 – 11th Avenue. Permits issued on February 1, 2007, and March 14, 2007. Last day to appeal was February 16, 2007, and March 29, 2007, respectively. Jurisdiction requests received May 4, 2007, and June 7, 2007, respectively. Letter from Rose Tom-Tsai, requestor, asking that the Board take jurisdiction over Building Permit Application Nos. 2004/06/15/6478S and 2007/03/14/6243. Permit Holder: James Chan. Project, 1st permit: horizontal and vertical addition while adding 2nd dwelling unit. Project, 2nd permit: revise egress stairs at rear per plans under BPA No. 2004/06/15/6478S. **Note: Public hearing held and closed on Oct. 17, 2007. For further consideration today.**

(4) **APPEAL NO. 07-068**

WING TAN dba "QUICKLY", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	415 Castro Street. Appealing a Notice of Violation dated April 23, 2007, addressed to Haifa Khoury, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4. PUBLIC HEARING HELD & CLOSED ON AUGUST 1, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to confer with the Planning Department regarding alternative options.
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(5) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ Taxi", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. FOR HEARING TODAY.
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(6) APPEAL NO. 07-131

MINER & HIDEKO LOWE, AND URSULA & JUERG AESCHBACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	620 Ortega Street. Protesting the issuance on July 20, 2007, to Eric Hagerman, Permit to Alter a Building (on single-family house: comply with NOV No. 200706157; erect a six-foot fence on top of existing four-foot retaining wall). APPLICATION NO. 2007/06/27/5296. FOR HEARING TODAY.
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ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 07-135

SIA TAHBAZOF, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4441-4445 Mission Street. Appealing a Letter of Determination dated July 26, 2007, addressed to Brett Gladstone, that the applications for development at the subject property continue to comprise a single housing project and as such, is subject to the inclusionary housing requirements of the Planning Code, and that this project is required to provide a minimum of one (1) inclusionary housing unit. FOR HEARING TODAY.
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(7B) APPEAL NO. 07-156

SIA TAHBAZOF, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4441-4445 Mission Street. Appealing a clerically amended Letter of Determination dated August 17, 2007, addressed to Brett Gladstone, that the applications for development at the subject property continue to comprise a single housing project and as such, is subject to the inclusionary housing requirements of the Planning Code, and that this project is required to provide a minimum of one (1) inclusionary housing unit.
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FOR HEARING TODAY.

(8) APPEAL NO. 07-136

JOSE & MARIA DIMAS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2715-2717 Harrison Street. Protesting the issuance on July 30, 2007, to Jane Martin, Permit to Alter a Building (on two-unit building: interior work only; replace brick footing with new concrete footing; provide new tie beam with footing). APPLICATION NO. 2007/07/30/8104. FOR HEARING TODAY.
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(9) APPEAL NO. 07-137

TRAN MINH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	271 Ralston Street. Protesting the issuance on July 26, 2007, to Xiao Wei, Permit to Alter a Building (on single-family house: add new deck at rear yard). APPLICATION NO. 2007/07/24/7609. FOR HEARING TODAY.
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(10) APPEAL NO. 07-138

KETAMA COOPERATIVE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1745 Market Street. Appealing a Letter of Determination dated August 2, 2007, addressed to Ora Hatheway, regarding continuation of a medical cannabis dispensary use at the subject property. FOR HEARING TODAY.
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(11) APPEAL NO. 07-142

JOHN & JEANINE LOUGHRAN, Appellant(s)	1043-1045 Francisco Street. Protesting the issuance on July 31, 2007,
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vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	to John Chiatello, Site Permit to Alter a Building (on two-unit building: new bay window at front of house; addition of master bedroom suite at rear; addition of new skylights; interior renovation throughout; minor landscaping alterations). APPLICATION NO. 2004/02/10/6005S. FOR HEARING TODAY.
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(12) APPEAL NO. 07-149

FWW MISSION DEVELOPMENT LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4451-4455 Mission Street. Appealing a Letter of Determination dated August 17, 2007, addressed to Amy Tsai, that the applications for development at the subject property continue to comprise a single housing project and as such, is subject to the inclusionary housing requirements of the Planning Code, and that this project is required to provide a minimum of one (1) inclusionary housing unit. FOR HEARING TODAY.
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(13) APPEAL NO. 07-157

JAKKEE BRYSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1350 Folsom Street. Protesting the issuance on August 17, 2007, to 275 – 10th Street Associates LP, Permit to Demolish a Building (two-story warehouse with 11,250sf of ground floor area). APPLICATION NO. 2006/11/03/6843. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary

Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 18, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

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Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

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regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

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Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org.

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Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's

Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

Board of Appeals

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October 31, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for Oct. 31, 2007. The next regular meeting is scheduled for **Wednesday, Nov. 7, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **October 25, 2007**

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Board of Appeals

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November 07, 2007

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BOARD OF APPEALS

OCT 27 2008

CITY & COUNTY OF SAN FRANCISCOSAN FRANCISCO
PUBLIC LIBRARY**AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 7, 2007****5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE****(1) PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:**(3) ADDENDUM ITEMS:****(3a) REHEARING REQUEST:**

Taxicab permit (A - card). Letter from Julia Adams, attorney for Jacob Brettholz, appellant, requesting rehearing of Appeal No. 07-104, Brettholz vs. TC, decided Oct. 3, 2007. At that time, upon motion by Vice President Garcia, the Board voted 3-1-1 (President Knox dissented, Commissioner Haaland absent) to uphold the Taxi Commission's permanent bar from grant/issuance of taxicab permit (A - card).

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2045 Filbert Street Unit No. 1. Permit issued on June 8, 2007. Last day to appeal was June 25, 2007. Jurisdiction request received on Oct. 16,

2007. Letter from Scott Kovacs, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/06/08/3370. Permit Holder: Lathese Establishment. Project: on three-unit building; install interior spiral stair to connect from Unit No. 1 to the ground floor; construct partition wall to separate existing garage from proposed two-bedroom, play room and two full bathrooms; sprinkler and fire alarm under separate permit.

(3c) REHEARING REQUEST:

Subject property at 2283-2297 Market Street. Letter from Ken Finney, attorney for Clear Channel Outdoor, permit holder, requesting rehearing of Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828. **Note: If this Rehearing Request is granted, then Item 3d, Adoption of Findings for 07-075, shall be moot, and will not be considered by the Board.**

(3d) ADOPTION OF FINDINGS:

Subject property at 2283-2297 Market Street. Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2123 – 44th Avenue. Permit issued on Sept. 27, 2007. Last day to appeal was Oct. 11, 2007. Jurisdiction request received on Oct. 22, 2007. Letter from Billy Chan, agent for Victoria Ann Young, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/09/27/3858 for the purpose of filing a penalty appeal.

(4) APPEAL NO. 07-060

WILBUR WOO, Appellant(s)

2116 Irving Street.

vs. ZONING ADMINISTRATOR, Respondent	Appealing a Notice of Violation dated April 23, 2007, addressed to Wilbur Woo & Dolores Revo, that the "Quickly" establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4. FOR REHEARING TODAY. Note: On August 1, 2007, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the NOV. On August 29, 2007, the Board voted 5-0 to grant the appellant's rehearing request, and to set the rehearing for October 3, 2007.
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(5) APPEAL NO. V07-133

SUZANNE SCULL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	78 Peralta Avenue. Appealing the denial on August 3, 2007, of Parking Variance (removal of required conditions per Variance Case No. 1998.567V that allowed a second dwelling unit on the ground floor through the removal of the existing off-street parking space of the subject building). VARIANCE CASE NO. 2007.0449V. PUBLIC HEARING HELD & CLOSED ON AUGUST 29, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to confer with the ZA on alternative options.
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(6) APPEAL NO. 07-158

MANUEL LOLI, Appellant(s) vs. ART COMMISSION, Respondent	Appealing the revocation on August 29, 2007, of Street Artist Certificate No. 6040. FOR HEARING TODAY.
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(7) APPEAL NO. 07-195

PAULA DATESH, Appellant(s) vs. ART COMMISSION, Respondent	Appealing the denial on October 8, 2007, of Street Artist Certificate. FOR HEARING TODAY.
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(8) APPEAL NO. 07-120

LANCE CARNES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	520-522 Sanchez Street. Appealing the imposition of penalty on July 17, 2007, for construction work done without a permit (on two-unit building: remove illegal kitchen and bath at garage level; comply with NOV 200703622). APPLICATION NO. 2007/06/28/5429. FOR HEARING TODAY.
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(9) APPEAL NO. V07-144

MOLLY WILLIAMS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2 Joy Street. Appealing the denial on August 6, 2007, of Rear Yard and Screening of Parking Area Variances (add an additional curb cut in the public right of way, and an off-street unscreened parking space within the required rear yard). VARIANCE CASE NO. 2007.0326V. FOR HEARING TODAY.
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(10) APPEAL NO. 07-146

AQUATIC PARK NEIGHBORS, Appellant(s) vs.	899 North Point Street. Protesting the issuance on August 3, 2007, to Galway Properties II, Site Permit
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DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	to Erect a Building (four-story, three-unit condominium building with 1,443sf of ground floor area). APPLICATION NO. 2006/03/10/6438S. FOR HEARING TODAY.
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(11) APPEAL NO. 07-147

HELEN McCLURE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	531-541 Castro Street. Protesting the issuance on August 3, 2007, to Les Natali, Permit to Alter a Building (reduction of scope on BPA No. 2005/05/03/1487; reduce excavation in basement; eliminate back door and windows at new wall; keep two columns near entry; remove windows and roof in light well at middle of buildings). APPLICATION NO. 2007/03/30/7713. FOR HEARING TODAY.
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(12) APPEAL NO. 07-148

JUANITA DONALDSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	880-882 Dolores Street. Appealing the denial on August 22, 2007, of Site Permit to Alter a Building (merge two units into one; interior alterations). APPLICATION NO. 2006/11/20/8161S. FOR HEARING TODAY.
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ADJOURNMENT.

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Date posted: **November 1, 2007**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 7, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosh, Senior Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Heidi Machen, Executive Director, Taxi Commission (TC); Howard Lazar, Arts Commission (AC); Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist; Joel Case, Official Court Reporter for the Board.

ABSENT: Robert Feldman, Dept. Head.

(1) PUBLIC COMMENT:

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SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS:

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(3a) REHEARING REQUEST:

Taxicab permit (A - card). Letter from Julia Adams, attorney for Jacob Brettholz, appellant, requesting rehearing of Appeal No. 07-104, Brettholz vs. TC, decided Oct. 3, 2007. At that time, upon motion by Vice President Garcia, the Board voted 3-1-1 (President Knox dissented, Commissioner Haaland absent) to uphold the Taxi Commission's permanent bar from grant/issuance of taxicab permit (A – card).

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to grant the rehearing request and to schedule the rehearing for 1/9/08. Update briefs are due Thursday prior to the 1/9/08 hearing.

SPEAKERS: Julia Adams, attorney for appellant; Heidi Machen, TC.

PUBLIC COMMENT: None.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2045 Filbert Street Unit No. 1. Permit issued on June 8, 2007. Last day to appeal was June 25, 2007. Jurisdiction request received on Oct. 16, 2007. Letter from Scott Kovacs, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/06/08/3370. Permit Holder: Lathese Establishment. Project: on three-unit building; install interior spiral stair to connect from Unit No. 1 to the ground floor; construct partition wall to separate existing garage from proposed two-bedroom, play room and two full bathrooms; sprinkler and fire alarm under separate permit.

ACTION: Upon motion by Commissioner Albright, the Board voted 5 – 0 to deny the jurisdiction request.

SPEAKERS: Scott Kovacs, requestor; Jared Eighman, attorney for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(3c) REHEARING REQUEST:

Subject property at 2283-2297 Market Street. Letter from Ken Finney, attorney for Clear Channel Outdoor, permit holder, requesting rehearing of Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828. **Note: If this Rehearing Request is granted, then Item 3d, Adoption of Findings for 07-075, shall be moot, and will not be considered by the Board.**

MEETING MINUTES – WEDNESDAY, NOVEMBER 7, 2007 - PAGE 3

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to 12/12/07 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3d) ADOPTION OF FINDINGS:

Subject property at 2283-2297 Market Street. Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828.

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to 12/12/07 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2123 – 44th Avenue. Permit issued on Sept. 27, 2007. Last day to appeal was Oct. 11, 2007. Jurisdiction request received on Oct. 22, 2007. Letter from Billy Chan, agent for Victoria Ann Young, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/09/27/3858 for the purpose of filing a penalty appeal.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to continue the matter to 12/19/07.

SPEAKERS: Billy Chan, agent for appellant; Spencer Gosh, DBI.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07-060

WILBUR WOO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2116 Irving Street. Appealing a Notice of Violation dated April 23, 2007, addressed to Wilbur Woo & Dolores Revo, that the “Quickly” establishment at the subject property has not procured proper Planning Department authorization, in violation of Planning Code §§ 703.3 & 703.4. FOR REHEARING TODAY. Note: On August 1, 2007, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the NOV. On August 29, 2007, the Board voted 5-0 to grant the appellant’s rehearing request, and to set the rehearing for October 3, 2007.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to uphold the notice of violation.

SPEAKERS: Scott Sanchez, PD; Christina Cheng, agent for appellant; Spencer Gosh, DBI.

PUBLIC COMMENT: None.

(5) APPEAL NO. V07-133

SUZANNE SCULL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	78 Peralta Avenue. Appealing the denial on August 3, 2007, of Parking Variance (removal of required conditions per Variance Case No. 1998.567V that allowed a second dwelling unit on the ground floor through the removal of the existing off-street parking space of the subject building). VARIANCE CASE NO. 2007.0449V. PUBLIC HEARING HELD & CLOSED ON AUGUST 29, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to confer with the ZA on alternative options.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 -1 to overrule the denial and the grant the variance with adoption of findings at a later time.

SPEAKERS: Scott Sanchez, PD; Suzanne Scull, appellant.

PUBLIC COMMENT: Grasshopper Alec Kaplan, Rose Mari, John Levitt, David Batterfield, Ira Dorter, Bernie Hirschbein, Claudia Viek, and William Heijn spoke in favor of the appellant; Anita Khan spoke in favor of the Zoning Administrator.

(6) APPEAL NO. 07-158

MANUEL LOLI, Appellant(s) vs. ART COMMISSION, Respondent	Appealing the revocation on August 29, 2007, of Street Artist Certificate No. 6040. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to continue the matter to 1/9/08 to allow the appellant to submit additional documents pursuant to the Board's comments.

SPEAKERS: Howard Lazar, AC; Manuel Loli, appellant.

PUBLIC COMMENTS: Grasshopper Alec Kaplan and Jose Loli spoke in favor of the appellant; Susan Pete, Michael Addario and Kathleen Hallinan spoke in favor of the AC.

(7) APPEAL NO. 07-195

PAULA DATESH, Appellant(s) vs. ART COMMISSION, Respondent	Appealing the denial on October 8, 2007, of Street Artist Certificate. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to overrule the denial and grant a three (3) month Street Artist Certificate, which shall be subject to a renewal under the program rules, and with a finding that there was inadequate evidence to support the denial.

SPEAKERS: Howard Lazar, AC; Paula Datesh, appellant.

PUBLIC COMMENT: Kitty Quon and Jose Loli spoke in favor of the appellant; Michael Addario, Kathleen Hallinan and Susan Pete spoke in favor of the Art Commission.

(8) APPEAL NO. 07-120

LANCE CARNES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	520-522 Sanchez Street. Appealing the imposition of penalty on July 17, 2007, for construction work done without a permit (on two-unit building: remove illegal kitchen and bath at garage level; comply with NOV 200703622). APPLICATION NO. 2007/06/28/5429. FOR HEARING TODAY.
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MEETING MINUTES – WEDNESDAY, NOVEMBER 7, 2007 - PAGE 6

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reduce the penalty to two (2) times the regular fee.

SPEAKERS: Spencer Gosh, DBI; Lance Carnes, appellant.

PUBLIC COMMENT: None.

(9) APPEAL NO. V07-144

MOLLY WILLIAMS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2 Joy Street. Appealing the denial on August 6, 2007, of Rear Yard and Screening of Parking Area Variances (add an additional curb cut in the public right of way, and an off-street unscreened parking space within the required rear yard). VARIANCE CASE NO. 2007.0326V. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to continue the matter to 1/9/08, to allow the appellant to confer with the Zoning Administrator regarding alternative options.

SPEAKERS: Scott Sanchez, PD; Molly Williams, appellant.

PUBLIC COMMENT: Joanne Backer spoke in favor of the appellant.

(10) APPEAL NO. 07-146

AQUATIC PARK NEIGHBORS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	899 North Point Street. Protesting the issuance on August 3, 2007, to Galway Properties II, Site Permit to Erect a Building (four-story, three-unit condominium building with 1,443sf of ground floor area). APPLICATION NO. 2006/03/10/6438S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Joel Yodowitz, attorney for permit holder; appellant did not appear.

PUBLIC COMMENT: None.

MEETING MINUTES – WEDNESDAY, NOVEMBER 7, 2007 - PAGE 7

(11) APPEAL NO. 07-147

HELEN McCLURE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	531-541 Castro Street. Protesting the issuance on August 3, 2007, to Les Natali, Permit to Alter a Building (reduction of scope on BPA No. 2005/05/03/1487; reduce excavation in basement; eliminate back door and windows at new wall; keep two columns near entry; remove windows and roof in light well at middle of buildings). APPLICATION NO. 2007/03/30/7713. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to recuse Commissioner Haaland.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland recused) to uphold the permit on condition that the permit holder produce a schedule of project completion within a week of release of the Notice of Decision, and for said schedule to be given to the appellant and all adjacent owners and tenants.

SPEAKERS: Helen McClure, appellant; Hestor Chau, agent for permit holder; Scott Sanchez, PD; Karl Hasz, agent for permit holder; Spencer Gosh, DBI.

PUBLIC COMMENT: None.

(12) APPEAL NO. 07-148

JUANITA DONALDSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	880-882 Dolores Street. Appealing the denial on August 22, 2007, of Site Permit to Alter a Building (merge two units into one; interior alterations). APPLICATION NO. 2006/11/20/8161S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 1 (Commissioner Haaland dissented) to overrule the denial and grant the permit with adoption of findings at a later time.

SPEAKERS: Scott Sanchez, PD; Juanita Donaldson, appellant; Evan Donaldson, husband of appellant.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, the President Knox adjourned the meeting at 10:40pm.

Board of Appeals

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November 14, 2007

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BOARD OF APPEALS

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AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 14, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Determination issued by the Zoning Administrator on May 15, 2006. Last day to appeal was May 30, 2006. Jurisdiction request received on February 8, 2007. Letter from Douglas Loranger, David Tornheim, and San Francisco Neighborhood Antenna-Free Union (SNAFU), requestors, asking that the Board take jurisdiction over a ZA determination regarding whether certain types of wireless telecommunication facilities qualify as accessory uses under the Planning Code. Determination Holder: T-Mobile – Omnipoint.

(3b) REHEARING REQUEST:

Subject property at 1801-1813 Fulton Street. Letter from Vladamir Gammer, appellant, requesting rehearing of Appeal No. 06-189, decided January 31, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the subject permit. Permit Holder: T-Mobile Omnipoint. Project: on multi-unit apartment building, installation of new micro-cell panel antenna enclosed within a faux vent; installation of associated equipment and necessary cabling/cable trays; no new batteries; BPA No. 2006/03/21/7213.

(3c) REHEARING REQUEST:

Subject property at 838 Alabama Street. Letter from Tony Fu, appellant, requesting rehearing of Appeal No. 07-072, Fu vs. DBI, PDA, decided August 29, 2007. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (President Knox recused) to uphold the subject permit. Permit Holder: Jersey St. Associates LLC. Project: on single-family house; consolidate under single permit all work previously shown under BPA Nos. 2006/03/22/7327, 2006/04/20/9476, 2006/05/03/0499, 2006/05/03/0547, and 2006/05/12/1526; new work not shown previously (clearly) for notification includes raising building 18 inches, infilling light well at north side, and developing basement into habitable space); BPA No. 2006/11/15/7736S.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 177 Majestic Avenue. Permit issued on Dec. 15, 2006. Last day to appeal was Jan. 2, 2007. Jurisdiction request received on Oct. 31, 2007. Letter from Walter Pfau, requestor, asking that the Board take jurisdiction over Plumbing Permit No. 486946 for the purpose of filing a penalty appeal. -

(3e) REHEARING REQUEST:

Subject property at 620 Ortega Street. Letter from Ursula Aeschbach, co-appellant, requesting rehearing of Appeal No. 07-131, decided Oct. 24, 2007. At that time, upon motion by President Knox, the Board voted 5-0 to uphold the permit. Permit Holder: Eric Hagerman. Project: on single-family house: comply with NOV No. 200706157; erect a six-foot fence on top of existing four-foot retaining wall; BPA No. 2007/06/27/5296.

(4) APPEAL NO. 06-202

JEFFREY KRAMER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	591-599 Guerrero Street. Protesting the issuance on December 21, 2006, to Omnipoint – T-Mobile, Permit to Alter a Building (installation of new microcell panel antenna enclosed within new false vent; installation of associated equipment). APPLICATION NO. 2006/05/19/2075. FOR HEARING TODAY.
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(5) APPEAL NO. 07-115

LLEWELLYN PHELAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 27, 2007, of Taxi Permit (A-Card) and Taxi Medallion No. 1086. RESOLUTION NO. 2007-026. FOR HEARING TODAY.
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(6) APPEAL NO. V05-129

ARZA TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2642-2644 Hyde Street. Protesting the granting on July 13, 2005, to Billie Cayot, Rear Yard & Non-Complying Structure Variances (replace an existing 2nd floor balcony within the required rear yard of the existing two-family structure; the cantilevered balcony would be approximately 12 feet wide, 3 feet deep, and set back approximately 5 feet from each side property line). VARIANCE CASE NO. 2004.1312V. FOR HEARING TODAY. Note: On Sept. 7, 2005, the Board voted to reschedule this matter to Call of Chair pending final resolution of the Cat Ex appeal at the BOS.
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(7) APPEAL NO. 07-048

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for appellant to seek a settlement with the adjacent neighbors, to submit revised plans, and for the Planning Department to review the matter.
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ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:**(8A) APPEAL NO. 07-074**

DEBORAH STOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	124 -128 Fillmore Street. Protesting the issuance on May 8, 2007, to David Nale, Site Permit to Alter a Building (on three-unit apartment building: garage in rear yard; variance application filed; roof deck over garage; three-car car lift). APPLICATION NO. 2005/06/17/5345S. FOR HEARING TODAY.
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(8B) APPEAL NO. 07-088

DAVID NALE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. REQUEST FOR	124-126 Fillmore Street. Appealing the suspension on May 22, 2007, of Building Permit Application No. 2005/06/17/5345. Reason for suspension: a bed and breakfast is operating at the subject property without
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SUSPENSION	Conditional Use (CU) authorization from the Planning Commission. FOR HEARING TODAY.
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(9) **APPEAL NO. 07-134**

SUSAN LALLY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	376 Eureka Street. Protesting the issuance on July 25, 2007, to Kristina Baker, Site Permit to Alter a Building (on single-family house: remove roof and some walls; raise foundation; construct vertical and horizontal addition). APPLICATION NO. 2005/08/30/1650S. FOR HEARING TODAY. Note: Matter rescheduled from Sept. 19, 2007 due to filing of Cat Ex appeal at BOS.
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(10) **APPEAL NO. 07-151**

RONALD PARSHALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	457 Hamilton Street. Protesting the issuance on August 9, 2007, to John Li, Permit to Alter a Building (on single-family house: new side door per plan; comply with NOV No. 200714470). APPLICATION NO. 2007/08/06/8896. FOR HEARING TODAY.
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(11) **APPEAL NO. 07-159**

NANCY HOUSE Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION	75 Folsom Street. Appealing the denial on August 31, 2007, of Permit to Alter a Building (on 67-unit apartment building: merge units 905 and 906 into one unit; remove wall between units).
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DISAPPROVAL

APPLICATION NO. 2007/01/16/1750.
FOR HEARING TODAY.**ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:****(12A) APPEAL NO. 07-160**

ANTHONY FERNANDEZ, Appellant(s)

vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

166 Encline Court.

Protesting the issuance on August 17, 2007, to Dan Rios, Permit to Alter a Building (on single-family house: remodel kitchen; extend bedroom in lower level and add bathroom; add bedroom in basement with bathroom; add another bathroom to garage area; build retaining wall in backyard; add deck; replace windows; add new doors).

APPLICATION NO. 2007/07/03/5901.
FOR HEARING TODAY.**(12B) APPEAL NO. 07-161**

JOSEPHINE ESCOVE, Appellant(s)

vs.

DEPT. OF BUILDING INSPECTION,
Respondent
PLANNING DEPT. APPROVAL

166 Encline Court.

Protesting the issuance on August 17, 2007, to Dan Rios, Permit to Alter a Building (same description as Appeal 07-160).

APPLICATION NO. 2007/07/03/5901.
FOR HEARING TODAY.**ITEMS (13A), (13B), & (13C) SHALL BE HEARD TOGETHER:****(13A) APPEAL NO. 07-191**

GEORGE GOMES, Appellant(s)

vs.

DEPT. OF BUILDING INSPECTION,
Respondent

20 Villa Terrace.

Protesting the issuance on July 16, 2007, to Peter Quintana, Permit to Alter a Building (on single-family house: removal of illegal unit; convert back to legal

	storage). APPLICATION NO. 2007/07/16/6810. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.
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(13B) APPEAL NO. 07-192

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 18, 2007, to Peter Quintana, Plumbing Permit (demolish plumbing in illegal apartment). APPLICATION NO. PP2007/07/18/670. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.
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(13C) APPEAL NO. 07-193

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 19, 2007, to Peter Quintana, Electrical Permit (remove wiring installed illegally in basement, and install sub-load center). APPLICATION NO. E2007/07/19/9821. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 8, 2007**

MEMBERS OF THE BOARD OF APPEALS
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RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be

brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task

Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sof@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please

contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

Board of Appeals

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November 14, 2007(Meeting Cancelled)

P U B L I C N O T I C E

The Board of Appeals has cancelled its meeting for Nov. 14, 2007. The next regular meeting is scheduled for **Wednesday, Dec. 5, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call (415) 575 -6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman

Executive Secretary

Date Posted: **Nov. 14, 2007**

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November 21, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for Nov. 21, 2007 or Nov. 28, 2007. The next regular meeting is scheduled for **Wednesday, Dec. 5, 2007, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **Nov. 8, 2007**

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December 05, 2007

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BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 5, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:** None.

(4) **APPEAL NO. 07-021**

CLARA LUSARDI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2164 – 15 th Street. Protesting the issuance on February 27, 2007, to Mikel Jaye, Site Permit to Alter a Building (on 2-unit building: addition at garage level; new stair up from garage to 1 st floor; roof deck over addition at
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	garage; new back stair rebuild to 2 nd floor from 1 st floor, and from 1 st floor to rear yard). APPLICATION NO. 2005/07/20/8161S. PUBLIC HEARING HELD & CLOSED ON MAY 2, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued pending final result of arbitration proceedings.
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(5) APPEAL NO. 07-119

ANNE CROMPTON, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	4 Bellair Place. Appealing the denial on July 1, 2007, of Permit to Remove and Replace One (1) Tree, and appealing the conditions placed on a Permit to Remove and Replace One (1) Tree. ORDER NO. 176,900. FOR HEARING TODAY.
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(6) APPEAL NO. 07-145

STAN HICKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400-1428 Market Street. Appealing a Letter of Determination dated July 31, 2007, addressed to Stan Hicks, regarding the use of the subject property for general advertising. FOR HEARING TODAY.
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ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:**(7A) APPEAL NO. 07-154**

CARLOS & LOUISE BEA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION,	2721 Pierce Street. Protesting the issuance on August 17, 2007, to Michael Cannon, Site Permit to Alter a Building (on single-family house:
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Respondent PLANNING DEPT. APPROVAL	addition to bay window and windows on façade; addition to rear; remodel of kitchen and baths). APPLICATION NO. 2006/07/03/5586S. FOR HEARING TODAY.
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(7B) APPEAL NO. 07-162

MICHAEL & BEVERLY CANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2721 Pierce Street. Appealing the issuance / conditions placed on a Site Permit to Alter a Building, issued on August 17, 2007, to Michael Cannon (on single-family house: addition to bay window and windows on façade; addition to rear; remodel of kitchen and baths). APPLICATION NO. 2006/07/03/5586S. FOR HEARING TODAY.
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ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:**(8A) APPEAL NO. 07-163**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2608 Post Street. Protesting the issuance on August 21, 2007, to Brendon Fox, Permit to Demolish a Building (two-story single-family house). APPLICATION NO. 2006/05/31/2867. FOR HEARING TODAY.
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(8B) APPEAL NO. 07-164

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2608 Post Street. Protesting the issuance on August 21, 2007, to Brendon Fox, Permit to Erect a Building (two-story single-family house with 1,100sf of ground floor area). APPLICATION NO. 2006/05/31/2874S. FOR HEARING TODAY.
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(9) APPEAL NO. 07-165

PETER FRIEL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	435 Duboce Avenue. Protesting a Letter of Determination issued on August 22, 2007, addressed to Geoff Gibson at Windere Liebes Architects, regarding the installation at the subject property of a Yoga and Wellness Center, with an accessory use of day-care facility for 12 or fewer children, and a small café. FOR HEARING TODAY.
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(10) APPEAL NO. 07-166

HLA KYI & KAREN RA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1506 Innes Avenue. Protesting the issuance on August 24, 2007, to C&C Goodman Construction Inc., Site Permit to Erect a Building (three-story single-family house with 1,642sf of ground floor area). APPLICATION NO. 2006/08/25/0538S. FOR HEARING TODAY.
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(11) APPEAL NO. V07-167

JULIE McSWEENEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	751-753 Cole Street. Protesting the granting on August 31, 2007, to Christopher Morales and Lawrence Morales, Rear Yard and Non-Complying Structure Variances (construct a new roof deck above the 2nd story level and exit stairs at the rear of the three-story over basement, two-family dwelling). VARIANCE CASE NO. 2007.0375V. FOR HEARING TODAY.
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(12) APPEAL NO. 07-168

JONATHAN GURSEN, Appellant(s)	314 Polaris Way.
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vs. DEPT. OF BUILDING INSPECTION, Respondent	Protesting the issuance on August 30, 2007, to Walter & Vivian Jebe, Permit to Alter a Building (on single-family house: remove illegal rear deck; remove doorway that leads onto deck and install window; repair damaged wall at south facing window; remove sheetrock and plywood on garage ceiling; install insulation) APPLICATION NO. 2007/08/30/1386. FOR HEARING TODAY.
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(13) APPEAL NO. 07-170

JENNIFER RUDDOCK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	708 Broderick Street. Protesting the issuance on August 27, 2007, to Carl & Jane Williams, Site Permit to Alter a Building (on single-family house: new rear yard one-story addition with roof deck and stairs; remodel 1st floor). APPLICATION NO. 2006/06/14/4032S. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 8, 2007**

MEMBERS OF THE BOARD OF APPEALS
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RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT

KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org.

Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the

internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

Board of Appeals

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December 5, 2007 minutes

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AUG 27 2009

BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 5, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT
PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works/Bureau of Urban Forestry (DPW/BUF); Victor Pacheco, Legal Assistan; Manuel Payes, Clerk Typist; Joel Case, Official Court Reporter.

ABSENT: Robert Feldman, Dept. Head.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the

Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Vincent Tomera.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:** None.

(4) **APPEAL NO. 07-021**

CLARA LUSARDI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2164 – 15th Street. Protesting the issuance on February 27, 2007, to Mikel Jaye, Site Permit to Alter a Building (on 2-unit building: addition at garage level; new stair up from garage to 1st floor; roof deck over addition at garage; new back stair rebuild to 2nd floor from 1st floor, and from 1st floor to rear yard). APPLICATION NO. 2005/07/20/8161S. PUBLIC HEARING HELD & CLOSED ON MAY 2, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued pending final result of arbitration proceedings.
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ACTION: Withdrawn by Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) APPEAL NO. 07-119

ANNE CROMPTON, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	4 Bellair Place. Appealing the denial on July 1, 2007, of Permit to Remove and Replace One (1) Tree, and appealing the conditions placed on a Permit to Remove and Replace One (1) Tree. ORDER NO. 176,900. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the order, with the following modification: that removal of most northerly redwood tree is denied, and that removal of most southerly redwood tree is approved, with both conditions to remain.

SPEAKERS: Carla Short, DPW/BUF; Anne Crompton, appellant.

PUBLIC COMMENT: None.

(6) APPEAL NO. 07-145

STAN HICKS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400-1428 Market Street. Appealing a Letter of Determination dated July 31, 2007, addressed to Stan Hicks, regarding the use of the subject property for general advertising. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the

matter to February 13, 2008.

SPEAKERS: Howard Slavitt, attorney for appellant; Scott Sanchez, PD.

PUBLIC COMMENT: None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 07-154

CARLOS & LOUISE BEA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2721 Pierce Street. Protesting the issuance on August 17, 2007, to Michael Cannon, Site Permit to Alter a Building (on single-family house: addition to bay window and windows on façade; addition to rear; remodel of kitchen and baths). APPLICATION NO. 2006/07/03/5586S. FOR HEARING TODAY.
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(7B) APPEAL NO. 07-162

MICHAEL & BEVERLY CANNON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2721 Pierce Street. Appealing the issuance / conditions placed on a Site Permit to Alter a Building, issued on August 17, 2007, to Michael Cannon (on single-family house: addition to bay window and windows on façade; addition to rear; remodel of kitchen and baths). APPLICATION NO. 2006/07/03/5586S. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to reschedule both matters to Call of the Chair, awaiting resolution of Cat Ex appeal at the Board of Supervisors.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) APPEAL NO. 07-163

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2608 Post Street. Protesting the issuance on August 21, 2007, to Brendon Fox, Permit to Demolish a Building (two-story single-family house). APPLICATION NO. 2006/05/31/2867. FOR HEARING TODAY.
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(8B) APPEAL NO. 07-164

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2608 Post Street. Protesting the issuance on August 21, 2007, to Brendon Fox, Permit to Erect a Building (two-story single-family house with 1,100sf of ground floor area). APPLICATION NO. 2006/05/31/2874S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule both matters to January 23, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-165

PETER FRIEL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	435 Duboce Avenue. Protesting a Letter of Determination issued on August 22, 2007, addressed to Geoff Gibson at Windere Liebes Architects, regarding the installation at the subject property of a Yoga and
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Wellness Center, with an accessory use of day-care facility for 12 or fewer children, and a small café. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to uphold the Letter of Determination.

SPEAKERS: Appellant did not appear.

PUBLIC COMMENT: None.

(10) APPEAL NO. 07-166

HLA KYI & KAREN RA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1506 Innes Avenue. Protesting the issuance on August 24, 2007, to C&C Goodman Construction Inc., Site Permit to Erect a Building (three-story single-family house with 1,642sf of ground floor area). APPLICATION NO. 2006/08/25/0538S. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Hla Kyi, appellant; Kelton Finney, agent for permit holder; Scott Sanchez, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(11) APPEAL NO. V07-167

JULIE McSWEENEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	751-753 Cole Street. Protesting the granting on August 31, 2007, to Christopher Morales and Lawrence Morales, Rear Yard and Non-Complying Structure Variances
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(construct a new roof deck above the 2nd story level and exit stairs at the rear of the three-story over basement, two-family dwelling).
VARIANCE CASE NO. 2007.0375V.
FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 1 (President Knox dissented) to revoke the variance, with the following findings: a) that the five required findings have not been met, specifically the exceptional/extraordinary circumstances requirement; and b) that the life/safety issues can be addressed through an interior stair.

SPEAKERS: Christopher Morales, co-variance holder; Julie McSweeney, appellant; Cecilia Zamora, agent for variance holders; Scott Sanchez, PD; Laurence Kornfield, DBI; Sean Condry, agent for variance holders.

PUBLIC COMMENT: None.

(12) APPEAL NO. 07-168

JONATHAN GURSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	314 Polaris Way. Protesting the issuance on August 30, 2007, to Walter & Vivian Jebe, Permit to Alter a Building (on single-family house: remove illegal rear deck; remove doorway that leads onto deck and install window; repair damaged wall at south facing window; remove sheetrock and plywood on garage ceiling; install insulation) APPLICATION NO. 2007/08/30/1386. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 3 – 2 (President Knox and Commissioner Haaland dissented) to uphold the permit.

SPEAKERS: Saul Ferster, attorney for permit holder; Jonathan Gursen, appellant; Jack McCloskey, agent for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: Mustapha Guetter and Daniel Roh spoke in favor of the appellant.

(13) APPEAL NO. 07-170

JENNIFER RUDDOCK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	708 Broderick Street. Protesting the issuance on August 27, 2007, to Carl & Jane Williams, Site Permit to Alter a Building (on single-family house: new rear yard one-story addition with roof deck and stairs; remodel 1 st floor). APPLICATION NO. 2006/06/14/4032S. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Harry How, agent for appellant; Carl Williams, co-permit holder; Jayne Williams, co-permit holder; Scott Sanchez, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

There being no further business, President Knox adjourned the meeting at 8:35 pm.

Board of Appeals

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December 12, 2007 (Revised)

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BOARD OF APPEALS

OCT 27 2008

CITY & COUNTY OF SAN FRANCISCO

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REVISED AGENDA FOR REGULAR MEETING - WEDNESDAY, DEC. 12, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(A) MOMENT OF SILENCE IN MEMORY OF ROBERT FELDMAN.

Mr. Feldman passed away on Sunday, December 9, 2007. He had a distinguished career of 35 years with the City, serving 13 years with the Planning Department and the last 22 years as the Director of the Board of Appeals.

(B) ADDITION TO THE AGENDA, CA Gov't Code § 54954.2(b)(2); SF Admin Code §67.2(e)(2)
(Action Item)

Members of the Board of Appeals must vote to approve adding Item (C) to the meeting agenda, based on a determination by at least four members that there is a need for immediate action that arose after the posting of the agenda.

(C) PUBLIC EMPLOYEE APPOINTMENT- Interim Executive Secretary for the Board of Appeals
(Action Item)

1. OPEN SESSION:

- (a) Public Comment (on all matters pertaining to this agenda item)
- (b) Motion and vote on whether to convene in Closed Session under CA Gov't Code § 54957(b)(1); SF Admin Code §67.10(b)

2. CLOSED SESSION to appoint Interim Executive Secretary for the Board of Appeals effective until appointment of Permanent Executive Secretary is complete.

3. RECONVENE IN OPEN SESSION

- (a) Disclosure of action taken in Closed Session, if any, and vote of every member thereon, SF Admin Code §67.12(b).

(b) Vote on whether to disclose any or all discussions held in Closed Session, SF Admin. Code §67.12(a).

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3a) **REHEARING REQUEST:**

Subject property at 2283-2297 Market Street. Letter from Ken Finney, attorney for Clear Channel Outdoor, permit holder, requesting rehearing of Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828. **Note: If this Rehearing Request is granted, then Item 3d, Adoption of Findings for 07-075, shall be moot, and will not be considered by the Board.**

(3b) **ADOPTION OF FINDINGS:**

Subject property at 2283-2297 Market Street. Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828.

(3c) REHEARING REQUEST:

Subject property at 838 Alabama Street. Letter from Tony Fu, appellant, requesting rehearing of Appeal No. 07-072, Fu vs. DBI, PDA, decided August 29, 2007. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (President Knox recused) to uphold the subject permit. Permit Holder: Jersey St. Associates LLC. Project: on single-family house; consolidate under single permit all work previously shown under BPA Nos. 2006/03/22/7327, 2006/04/20/9476, 2006/05/03/0499, 2006/05/03/0547, and 2006/05/12/1526; new work not shown previously (clearly) for notification includes raising building 18 inches, infilling light well at north side, and developing basement into habitable space); BPA No. 2006/11/15/7736S.

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 177 Majestic Avenue. Permit issued on Dec. 15, 2006. Last day to appeal was Jan. 2, 2007. Jurisdiction request received on Oct. 31, 2007. Letter from Walter Pfau, requestor, asking that the Board take jurisdiction over Plumbing Permit No. 486946 for the purpose of filing a penalty appeal.

(3e) REHEARING REQUEST:

Subject property at 620 Ortega Street. Letter from Ursula Aeschbach, co-appellant, requesting rehearing of Appeal No. 07-131, decided Oct. 24, 2007. At that time, upon motion by President Knox, the Board voted 5-0 to uphold the permit. Permit Holder: Eric Hagerman. Project: on single-family house: comply with NOV No. 200706157; erect a six-foot fence on top of existing four-foot retaining wall; BPA No. 2007/06/27/5296.

(3f) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 100 Church Street. Permit revoked on October 10, 2007. Last day to appeal was October 25, 2007. Jurisdiction request received on Nov. 6, 2007. Letter from Jonathan Kreuyer, agent for Out of the Closet Thrift Store, requestor, asking that the Board take jurisdiction over the revocation of a Second Hand Dealer / Antique Shop Permit by the Police Department due to non-payment of fees.

(4) APPEAL NO. 07-128

LINDA ERKELENS, Appellant(s)

vs.

DEPT. OF BUILDING INSPECTION,
Respondent

1801 Turk Street.

Protesting the issuance on July 18, 2007,
to Clear Channel Outdoor, Permit to Alter
a Building (on 21-unit apartment building:
voluntary removal, razing and demolition

PLANNING DEPT. APPROVAL	of non-conforming, non-complying general advertising sign per plans). APPLICATION NO. 2007/06/28/5493. PUBLIC HEARING HELD & CLOSED ON OCT. 18, 2007. FOR FURTHER CONSIDERATION TODAY. Note: Matter continued to allow time for parties to negotiate a settlement.
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(5) APPEAL NO. 07-115

LLEWELLYN PHELAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 27, 2007, of Taxi Permit (A-Card) and Taxi Medallion No. 1086. RESOLUTION NO. 2007-026. FOR HEARING TODAY.
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(6) APPEAL NO. 07-173

WINNIE FUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1534 – 19 th Avenue. Appealing the imposition of penalty September 14, 2007, for work done without a permit (on single-family house: remove 8' wall built without permit; restore room back to dining room; comply with NOV No. 200716350). APPLICATION NO. 2007/09/10/2264. FOR HEARING TODAY.
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(7) APPEAL NO. 07-176

PAUL YEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	16-18 Loyola Terrace. Appealing the imposition of penalty September 19, 2007, for work done without a permit (on two-unit building: convert basement units back to storage rooms and two half baths; remove stoves, exhaust fans, and shower stalls; NOV No. 200700061). APPLICATION NO. 2007/09/18/2961.
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	FOR HEARING TODAY.
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(8) APPEAL NO. 07-122

SONDRA LEQVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	331 Filbert Street. Protesting the issuance on July 9, 2007, to Peter Dwares, Site Permit to Alter a Building (on three-unit apartment building: addition of elevator at rear of building). APPLICATION NO. 2004/07/30/0251S. FOR HEARING TODAY.
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(9) APPEAL NO. 07-125

SONDRA LEQVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	110 Alta Street. Protesting the issuance on July 9, 2007, to Peter Dwares, Site Permit to Alter a Building (on three-unit apartment building: in-fill addition at 2 nd floor at rear of building). APPLICATION NO. 2004/07/30/0249S. FOR HEARING TODAY.
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(10) APPEAL NO. 07-134

SUSAN LALLY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	376 Eureka Street. Protesting the issuance on July 25, 2007, to Kristina Baker, Site Permit to Alter a Building (on single-family house: remove roof and some walls; raise foundation; construct vertical and horizontal addition). APPLICATION NO. 2005/08/30/1650S. FOR HEARING TODAY. Note: Matter rescheduled from Sept. 19, 2007 due to filing of Cat Ex appeal at BOS.
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ITEMS (11A), (11B) & (11C) SHALL BE HEARD TOGETHER:

(11A) APPEAL NO. 07-135

SIA TAHBAZOF, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4441-4445 Mission Street. Appealing a Letter of Determination dated July 26, 2007, addressed to Brett Gladstone, that the applications for development at the subject property continue to comprise a single housing project and as such, is subject to the inclusionary housing requirements of the Planning Code, and that this project is required to provide a minimum of one (1) inclusionary housing unit. FOR HEARING TODAY.
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(11B) APPEAL NO. 07-156

SIA TAHBAZOF, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4441-4445 Mission Street. Appealing a clerically amended Letter of Determination dated August 17, 2007, addressed to Brett Gladstone, that the applications for development at the subject property continue to comprise a single housing project and as such, is subject to the inclusionary housing requirements of the Planning Code, and that this project is required to provide a minimum of one (1) inclusionary housing unit. FOR HEARING TODAY.
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(11C) APPEAL NO. 07-149

FWW MISSION DEVELOPMENT LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4451-4455 Mission Street. Appealing a Letter of Determination dated August 17, 2007, addressed to Amy Tsai, that the applications for development at the subject property continue to comprise a single housing project and as such, is subject to the inclusionary housing requirements of the Planning Code, and that this project is required to provide a minimum of one
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(1) inclusionary housing unit. FOR HEARING TODAY.
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(12) APPEAL NO. 07-151

RONALD PARSHALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	457 Hamilton Street. Protesting the issuance on August 9, 2007, to John Li, Permit to Alter a Building (on single-family house: new side door per plan; comply with NOV No. 200714470). APPLICATION NO. 2007/08/06/8896. FOR HEARING TODAY.
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(13) APPEAL NO. 07-172

KENNETH MUIR & MARGARET RUEGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1616 Taylor Street. Protesting the issuance on September 4, 2007, to NVI Investments, Permit to Alter a Building (on 11-unit apartment building: install solar hot water system; comply with complaint No. 200719654). APPLICATION NO. 2007/09/04/1620. FOR HEARING TODAY.
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(14) APPEAL NO. 07-174

JACQUES JANOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	963 North Point Street. Protesting the issuance on September 5, 2007, to IJLN Investments LLC, Site Permit to Erect a Building (four-story, two-unit building with 1,387sf of ground floor area). APPLICATION NO. 2006/10/12/4833S. FOR HEARING TODAY.
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(15) APPEAL NO. 07-177

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	652 Duncan Street. Protesting the issuance on September 7, 2007, to Eric Hansen, Site Permit to Alter a Building (on single-family house: horizontal addition; vertical addition; remodel kitchen; seismic improvement and general renovations). APPLICATION NO. 2005/12/23/0995S. FOR HEARING TODAY.
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(16) APPEAL NO. 07-178

JOHN FISH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	515 Hill Street. Protesting the issuance on September 13, 2007, to Marc Van Der Hout & Jody LeWitter, Site Permit to Alter a Building (on single-family house: three-story, rear yard addition with one-story roof deck extension; remodel interior garage level, kitchen and 3 rd floor bedrooms; new balcony and stair down from 3 rd floor). APPLICATION NO. 2006/11/06/6940S. FOR HEARING TODAY.
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ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **December 11, 2007**

MEMBERS OF THE BOARD OF APPEALS
--

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT

KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org.

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internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

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SUGGESTIONS TO IMPROVE EFFICIENCY

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Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

Board of Appeals

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December 19, 2007

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BOARD OF APPEALS

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AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 19, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2123 – 44th Avenue. Permit issued on Sept. 27, 2007. Last day to appeal was Oct. 11, 2007. Jurisdiction request received on Oct. 22, 2007. Letter from Billy Chan, agent for Victoria Ann Young, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/09/27/3858 for the purpose of filing a penalty appeal. **Note: Public hearing held and closed on Nov. 7, 2008. For further consideration today. Matter continued to allow time for DBI to re-review the matter.**

(4) APPEAL NO. 07-183

PATRICK TONG, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2251 – 18th Avenue. Appealing the denial on Sept. 19, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,030. FOR HEARING TODAY.
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(5) APPEAL NO. 07-127

YUEMING WU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	331 Clement Street. Appealing a Notice of Violation dated July 12, 2007, addressed to Huang Family Trust, that the small self-service restaurant establishment at the subject property did not procure proper Planning Department authorization, in violation of Planning Code § 703.4. FOR HEARING TODAY.
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(6) APPEAL NO. 07-132

MARSHALL UNGAR & ELIZABETH LIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2220 Castro Street. Protesting the issuance on July 20, 2007, to David Chan, Permit to Alter a Building (on single-family house: vertical and horizontal addition). APPLICATION NO. 2006/04/12/8740S. FOR HEARING TODAY.
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(7) APPEAL NO. 07-179

ABEL & ELIANA MALDONADO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	450 Hamilton Street. Appealing the denial on Sept. 26, 2007, of Permit to Alter a Building (on single-family house: removal of conditions placed on BPA No. 2002/02/05/8561S as part of Appeal No. 03-140). APPLICATION NO. 2007/06/11/3512. FOR HEARING TODAY.
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(8) APPEAL NO. 07-180

MTM MANAGEMENT LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2440 Scott Street. Protesting the issuance on Sept. 12, 2007, to Kevin Connors, Permit to Alter a Building (on single-family house: renovation to garage; relocate portion of load bearing wall at light well to provide larger parking area). APPLICATION NO. 2007/09/11/2293. FOR HEARING TODAY.
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(9) APPEAL NO. 07-181

FARINA FOCACCIA & CUCINA ITALIANA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3560 – 18 th Street. Appealing a Letter of Determination dated Sept. 14, 2007, addressed to JH Kostelni, regarding the hours of operation for outside tables and chairs at the subject property. FOR HEARING TODAY.
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(10) APPEAL NO. 07-182

RICHARD TENAZA	770 – 18 th Avenue.
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& EVA ALCORN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: AIREN LEI	Protesting a Stop Work Order Request dated Sept. 12, 2007, addressed to DBI Director Isam Hasenin, asking that BPA No. 2005/10/06/4962 be suspended because there are errors on the plot plan. FOR HEARING TODAY.
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(11) APPEAL NO. V07-184

JERRY APPLGATE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2473-2477 Lombard Street. Appealing the denial on Sept. 21, 2007, of Street Frontage Variance (convert ground floor commercial space into garage for two cars). FOR HEARING TODAY.
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(12) APPEAL NO. 07-185

KEN ESTES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	722 Columbus Avenue. Appealing the denial on Sept. 17, 2007, of Permit to Alter a Building (on 12-unit apartment / office building: upgrade restroom to be Title 24 compliant; and legalize existing medical cannabis dispensary use). APPLICATION NO. 2007/02/06/3529. FOR HEARING TODAY.
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Date posted: **December 13, 2007**

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RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
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BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 19, 2007

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT
PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Frank Fung, Commissioner Katharine Albright, and Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Carla Short, Urban Forester, Department of Public Works/ Bureau of Urban Forestry (DPW/BUF); Victor Pacheco, Interim Department Head; Manuel Payes, Clerk Typist.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your

opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: David Pilpel.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

ACTION: Upon motion by President Knox, the Board voted 5 – 0 to cancel the January 9, 2008 meeting and to reschedule all the cases to the January 30, 2008 meeting.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) **ADDENDUM ITEMS:**

(3a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

ACTION: Upon motion by President Knox, the Board voted 5 – 0 to reschedule the matter to May 7, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2123 – 44th Avenue. Permit issued on Sept. 27, 2007. Last day to appeal was Oct. 11, 2007. Jurisdiction request received on Oct. 22, 2007. Letter from Billy Chan, agent for Victoria Ann Young, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2007/09/27/3858 for the purpose of filing a penalty appeal. **Note: Public hearing held and closed on Nov. 7, 2008. For further consideration today. Matter continued to allow time for DBI to re-review the matter.**

ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to grant the jurisdiction request.

SPEAKERS: Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(4) APPEAL NO. 07-183

PATRICK TONG, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	2251 – 18th Avenue. Appealing the denial on Sept. 19, 2007, of Permit to Remove and Replace One (1) Tree. ORDER NO. 176,030. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the denial.

SPEAKERS: Carla Short, DPW/BUF; Rebecca Tong, agent for appellant.

PUBLIC COMMENT: Winnie Wan spoke in favor of the appellant; Richard Tenaza and Joy Maliwawa spoke in favor of the DPW/BUF.

(5) APPEAL NO. 07-127

YUEMING WU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	331 Clement Street. Appealing a Notice of Violation dated July 12, 2007, addressed to Huang Family Trust, that the small self-service restaurant establishment at the subject property did not procure proper Planning Department authorization, in violation of Planning Code § 703.4. FOR HEARING TODAY.
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ACTION: Withdrawn by Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) APPEAL NO. 07-132

MARSHALL UNGAR & ELIZABETH LIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2220 Castro Street. Protesting the issuance on July 20, 2007, to David Chan, Permit to Alter a Building (on single-family house: vertical and horizontal addition). APPLICATION NO. 2006/04/12/8740S. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to February 6, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-179

ABEL & ELIANA MALDONADO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	450 Hamilton Street. Appealing the denial on Sept. 26, 2007, of Permit to Alter a Building (on single-family house: removal of conditions placed on BPA No. 2002/02/05/8561S as part of Appeal No. 03-140). APPLICATION NO. 2007/06/11/3512. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to continue the matter to February 20, 2008, with the public hearing closed, and to allow time for Planning to re-view the project.

SPEAKERS: Scott Sanchez, PD; Michael Harris, agent for appellants; Dana Rivera, daughter of appellant.

PUBLIC COMMENT: Judy Schredl and Ron Marshall spoke in favor of the Planning Department.

(8) APPEAL NO. 07-180

MTM MANAGEMENT LLC, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2440 Scott Street. Protesting the issuance on Sept. 12, 2007, to Kevin Connors, Permit to Alter a Building (on single-family house: renovation to garage; relocate portion of load bearing wall at light well to provide larger parking area). APPLICATION NO. 2007/09/11/2293. FOR HEARING TODAY.
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ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) APPEAL NO. 07-181

FARINA FOCACCIA & CUCINA ITALIANA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3560 – 18th Street. Appealing a Letter of Determination dated Sept. 14, 2007, addressed to JH Kostelni, regarding the hours of operation for outside tables and chairs at the subject property. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 1 (Commissioner Fung dissented) to uphold the Letter of Determination with a modification that outside seating begin at 8:00 am Monday to Friday and 9:00 am weekends, and that outside seating be allowed until 10:00 pm on Friday and Saturday, with a finding that the subject property is in a restaurant area, and that outside seating is a privilege enjoyed by other properties in close proximity.

SPEAKERS: Scott Sanchez, PD; JH Kostelni, agent for appellant.

PUBLIC COMMENT: Martin Economou and Matt Wilson spoke in favor of the Zoning Administrator.

(10) APPEAL NO. 07-182

RICHARD TENAZA & EVA ALCORN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner: AIREN LEI	770 – 18th Avenue. Protesting a Stop Work Order Request dated Sept. 12, 2007, addressed to DBI Director Isam Hasenin, asking that BPA No. 2005/10/06/4962 be suspended because there are errors on the plot plan. FOR HEARING TODAY.
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ACTION: Upon motion by President Knox, the Board voted 4 – 1 (Commissioner Haaland dissented) to uphold the Zoning Administrators stop work order.

SPEAKERS: Scott Sanchez, PD; Richard Tenaza, co-appellant; Tracy Zill, attorney for

subject property owner; Laurence Kornfield, DBI.

PUBLIC COMMENT: Charles Walker, Ailene Coffino, and Elena Rogan spoke in favor of the appellants.

(11) APPEAL NO. V07-184

JERRY APPLGATE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2473-2477 Lombard Street. Appealing the denial on Sept. 21, 2007, of Street Frontage Variance (convert ground floor commercial space into garage for two cars). FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to overrule the denial and grant the variance with adoption of findings at a later time.

SPEAKERS: Scott Sanchez, PD; Mark Brand, agent for appellant; Jerry Applegate, appellant.

PUBLIC COMMENT: None.

(12) APPEAL NO. 07-185

KEN ESTES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	722 Columbus Avenue. Appealing the denial on Sept. 17, 2007, of Permit to Alter a Building (on 12-unit apartment / office building: upgrade restroom to be Title 24 compliant; and legalize existing medical cannabis dispensary use). APPLICATION NO. 2007/02/06/3529. FOR HEARING TODAY.
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ACTION: Upon motion by Vice President Garcia, the Board voted 5 – 0 to continue the matter to March 5, 2008, with the public hearing closed, and to allow time for Planning stuff and appellant to submit additional documents pursuant to the Boards' comments.

SPEAKERS: Scott Sanchez, PD; Terrance Hallinan, attorney for appellant; Ken Estes, appellant.

PUBLIC COMMENT: Marc Bruno, Loraine McWhorter, Ron Ragusa, Jim Nikas, Brent McDonald, Tony Gantner, Alexander Kienka, Jim Marchi, and Chuck Thomas spoke in favor of the Planning Commission.

Audrey Jamison, Richard Barrett, Mike Carpenter, Joy Maliwawa, Regina King, Dayle Lawrence, Eric Davison, Marshall Guthrie, Ken Negrn, Mike Cohrig, Conan Tong, J.D, Gustavo Sanchez, Kindred McCune, Arthur Wong, Matthew Praitt, and Mike Boyd spoke in favor of the appellant.

There being no further Business, President Knox Adjourned the meeting at 10:00 pm.

Board of Appeals

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December 26, 2007 (No Meeting)

P U B L I C N O T I C E

The Board of Appeals has not scheduled a meeting for Dec. 26, 2007 or Jan. 2, 2008, and has **CANCELLED** the meeting of Jan. 9, 2008. The next regular meeting is scheduled for **Wednesday, Jan. 16, 2008, City Hall, Room 416, 5:00 p.m.**, One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Dec. 20, 2007**

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